PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF LANSING, MICHIGAN

JANUARY 8, 1996 THROUGH DECEMBER 23, 1996

LANSING

MICHIGAN

COUNCILMEMBERS:
HOWARD JONES, PRES.
ELLEN BEAL, VICE-PRES.
SANDY ALLEN
JOAN BAUER
ANTONIO BENAVIDES
HAROLD LEEMAN
RICK LILLY
PAUL NOVAK

MARILYNN SLADE,
LANSING CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JANUARY 8, 1996

CITY COUNCIL CHAMBERS
JANUARY 8, 1996

THE CITY COUNCIL OF THE CITY OF LANSING MET IN REGULAR SESSION AND WAS CALLED TO ORDER AT 7:00 P.M. BY CITY CLERK SLADE.

PRESENT: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

ABSENT: NONE

THE INVOCATION AND PLEDGE OF ALLEGIANCE WERE LED BY COUNCILMEMBER ALLEN

JUDGE BEVERLY NETTLES-NICKERSON ADMINISTERED THE OATH OF OFFICE TO NEW COUNCILMEMBERS BAUER AND LEEMAN AND RE-ELECTED COUNCILMEMBERS BENAVIDES AND BEAL.

RESOLUTION #001

MOTION BY COUNCILMEMBER LILLY:

TO ELECT HOWARD JONES AS COUNCIL PRESIDENT FOR THE 1996 CALENDAR YEAR AND ELLEN BEAL AS COUNCIL VICE PRESIDENT.

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

BY COUNCILMEMBER LILLY

TO ACCEPT THE FOLLOWING UNDER SUSPENSION OF THE RULES:

1. FROM COUNCILMEMBER LILLY: TO ADD UNDER DISCUSSION ITEMS FOR COMMITTEE OF THE WHOLE: (H) ICE RINKS AND (I) TOWN FORUM MEETING FORMATS

2. FROM COUNCILMEMBER ALLEN; A LETTER FROM MR. KREPS REGARDING THE STORMWATER RATES AND A LETER FROM MR. CUTTER REGARDING THE LANSING HOUSING COMMISSION

REFFERED TO THE MAYOR AND THE PUBLIC SERVICE DEPARTMENT

3. FROM COUNCILMEMBER BENAVIDES; A LETTER FROM STACY ZIM REGARDING THE STORMWATER RATES

REFERRED TO THE MAYOR AND THE PUBLIC SEVICE DEPARTMENT

4. FROM COUNCILMEMBER NOVAK; TO ADD UNDER DISUCSSION ITEMS FOR COMMITTEE OF THE WHOLE: (J) CREATION OF AN AD HOC COMMITTEE ON HOUSING

SCHEDULED PUBLIC HEARINGS

A. IN CONSIDERATION OF AN AMENDMENT TO CHAPTER 294, SUBSECTIONS 294.02 AND 294.03 FOR THE PURPOSE OF INCLUDING COLLECTIVELY BARGAINED CHANGES AND IRS REQUIRED CHANGES TO THE RETIREMENT SYSTEM PROVISIONS

DOUG RUBLEY OF THE FINANCE DEPARTMENT EXPLAINED THIS AMENDMENT AND ANSWERED QUESTIONS

THERE WERE NO SPEAKERS FOR THIS PUBLIC HEARING

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENT

ROBERT BENNETT OF 222 W. SAGINAW REQUESTED THAT THE CITY ENFORCE THE CLEARING OF CITY SIDEWALKS.

LLOYD TEETS OF 116 E. ELM WELCOMED NEW COUNCILMEMBERS BAUER AND LEEMAN AND GAVE THEM EACH A CALCULATOR.

ED SIMMER OF 2609 DIER OBJECTED TO THE RAIN TAX.

BERNARD SINCLAIR, SR. OF 4906 ALPHA STREET WELCOMED THE NEW COUNCILMEMBERS AND OBJECTED TO THE RAIN TAX.

WILLIAM HUBBELL OF 1827-1/2 W. HOLMES ROAD STATED THAT HE IS ALSO OPPOSED TO THE RAIN TAX.

DOUG CHRISTIANSEN OF 1801 W. HOLMES ROAD ALSO EXPRESSED OBJECTION TO THE RAIN TAX SAYING THAT HIS PROPERTY DRAINS TO A NATURAL SYSTEM.

TERRY CARLOWETTE OF 1725 FIDELITY COULDN'T

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believe that the city would send out the bills for rain tax at Christmas time.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Georgia Thaman of 2394 Huron Hill, Okemos, regarding a fall she experienced because of ice and snow on sidewalks in front of St. Paul's Episcopal Church on Ottawa Street, and subsequent ambulance and hospital bills she received

REFERRED TO THE CITY ATTORNEY & MAYOR

B. Letter of complaint against the Lansing Police Department from Ms. Lee Taylor of 5400 W. Mall Drive #1136

REFERRED TO THE CITY ATTORNEY AND COMMITTEE ON PUBLIC SAFETY

C. Letter from Roy W. Taylor of 217 W. Norethrup regarding corrections to the legal description of his property

REFERRED TO THE CITY ASSESSOR

D. Letter from Alexander Bolt of 1230 Reo Road submitting copies of a complaint to the State Attorney General protesting the stormwater enterprise fund

RECEIVED AND PLACED ON FILE

E. Letter from Clark Construction submitting the October issue of the Michigan Contractor & Builder Weekly Jobs Book detailing the work on the baseball stadium

RECEIVED AND PLACED ON FILE

F. Notice of Intent to Collect 100% 1996 summer tax collection from Ingham Intermediate School District

REFERRED TO THE CITY TREASURER

G. Letter from the State of Michigan Department of Environmental Quality regarding the termination of National Pollutant Discharge Elimination System (NPDES) Permit # MI0054151 issued to the City of Lansing for the Harton Street Pump Station

REFERRED TO THE MAYOR AND THE PUBLIC SERVICE DEPARTMENT

H. Letter from Holt Public School regarding their intent to not collect 1996 Summer Taxes in Delhi Townshiup

REFERRED TO THE CITY TREASURER

I. Letter from the Tri-County Regional Planning Commission submitting their audit report for FY 1995

RECEIVED AND PLACED ON FILE

J. Petition signed by 37 residents in the area of Mary Ave. and Richmond requesting the installation of a guard rail at the corner of Mary Ave. and Richmond

REFERRED TO THE MAYOR, TRAFFIC BOARD AND COMMITTEE ON PUBLIC SAFETY

K. Request for Non-Profit recognition from the Child Benefit Fund, Inc. of P. O. Box 18134, Lansing, MI 48901-18134

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON GENERAL SERVICES

L. Letter from attorneys submitting claim on behalf of William Crusoe

REFERRED TO THE CITY ATTORNEY

M. Letter from attorneys submitting claim on behalf of Maxine Davis

REFERRED TO THE CITY ATTORNEY

N. Letter from John L. Decker of Hickory Corners Nursery in the Lansing City Market regarding market management in the interim between the resignation of Sally Potter and the appointment of a new market manager

REFERRED TO THE COMMITTEES ON INTERGOVERNMENTAL RELATIONS AND WAYS AND MEANS

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MAYOR'S COMMENTS

Mayor Hollister stated that he hoped Council would act favorably to approve the FOP Supervisory Contract.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Wrecker service: American Towing, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the Availability of Minutes from Council Proceedings of December 16, 1995

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from Detective Dennis Shaw of the Lansing Police Department regarding the proposal to send a contingency of Lansing police officers to Japan under the terms of the Sister City Agreement

PULLED FROM AGENDA

D. Letters from the Mayor re:

1. Appointment of Gary R. Endres to the Traffic Board

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2. Transfer of Funds: Public Service Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3. Lansing Center Calendar of Events

RECEIVED AND PLACED ON FILE

ROUTINE MATTERS FOR ACTION

RESOLUTION #002
BY COUNCILMAN LILLY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
PUBLIC HEARING
SALE OF PRIGGOORIS PROPERTY

WHEREAS, the City of Lansing is desirous of selling the City owned property commonly known as the Priggooris Property located in Bath Township for the sum of $400,000.00; and

WHEREAS, two (2) private developers, Abraham Real Estate, Inc., and Louis J. Eyde Limited Family Partnership and George F. Eyde Limited Family Partnership have made separate offers to purchase the property by submitting to the City signed purchase offers; and

WHEREAS, the total purchase price of this property will exceed $50,000.00, and in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances the signed offers must be placed on file in the office of the City Clerk for a thirty (30) day period, and a Public Hearing on the proposed sale of the property held before the City Council subsequent to that time; and

Whereas both offers were placed on file in the City Clerk's Office prior to December 21, 1995;

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing shall be held on January 29, 1996, to consider the sale of the Priggooris Property more particularly described as:

The East ½ of the Southeast 1/4 of Section 20, T5N, R1W, ",Bath,,Township, Clinton County, Michigan, being some 80 Acres, more or less,

according to the purchase offers submitted by the parties noted above.

By Councilmember Lilly

Carried unanimously

DISCUSSION AS COMMITTEE OF THE WHOLE

Motion by Vice President Beal "That the Council

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DO NOW RESOLVE ITSELF INTO A COMMITTEE OF THE WHOLE TO CONSIDER THE FOLLOWING AGENDA ITEMS."

CARRIED UNANIMOUSLY

A. POLICY FOR USE OF THE 10TH FLOOR CITY COUNCIL CONFERENCE ROOM

CHAPTER 210.02 OF THE CODE WAS REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. LOCATION OF THE STATE OF THE CITY ADDRESS

MOTION BY COUNCILMEMBER LILLY TO PLACE A RESOLUTION ON THE AGENDA FOR JANUARY 16, 1996, FOR HOLDING OF THE STATE OF THE CITY ADDRESS AT GARDINER MIDDLE SCHOOL

VOTE: 7/1; COUNCILMEMBER LILLY VOTING NAY

C. COMMITTEE ASSIGNMENTS

COUNCIL PRESIDENT JONES READ THE COMMITTEE ASSIGNMENTS FOR 1996

D. AMENDMENT TO ADD A NEW CHAPTER, CHAPTER 245, FOR THE PURPOSE OF ESTABLISHING THE SITE OF THE CITY MARKET

MOTION BY COUNCILMEMBER NOVAK TO HAVE THE CITY ATTORNEY PREPARE AN ANALYSIS OF WHAT DESIGNATIONS MIGHT BE AVAILABLE UNDER STATE LAW AND TO TABLE THIS ITEM FOR 30 DAYS PENDING RECEIPT OF THIS REPORT FROM THE CITY ATTORNEY.

CARRIED UNANIMOUSLY

E. CONTRACT RATIFICATION: FOP CAPITOL CITY LODGE # 141, SUPERVISORY DIVISION

MOTION BY COUNCILMEMBER LILLY TO PLACE A RESOLUTION COVERING THIS ON THE AGENDA FOR JANUARY 16, 1996

CARRIED UNANIMOUSLY

F. MICHIGAN MUNICIPAL LEAGUE LEGISLATIVE CONFERENCE FEBRUARY 21, 1996

IT WAS AGREED THAT ANY COUNCILMEMBERS INTERESTED IN ATTENDING THIS CONFERENCE SHOULD CONTRACT PRESIDENT JONES

G. REQUEST BY BARBARA STURDIVANT JAMES OF 4104 GLENBURN BLVD. TO BE SCHEDULED ON A COUNCIL AGENDA IN FEBRUARY, 1996 TO READ JESU JOY OF MAN'S DESIRING

MOTION BY COUNCILMEMBER LILLY TO RECEIVE THIS ITEM AND PLACE IT ON FILE

H. ICE RINKS

DISCUSSION WAS HELD ON THE ADDITION OF TWO ICE RINKS IN THE CITY AND THAT THE RINKS AT SYCAMORE AND COMSTOCK PARKS WILL BE OPENING THIS WEEK END.

I. TOWN FORUM MEETING FORMAT

MOTION BY COUNCILMEMBER NOVAK TO PLACE A RESOLUTION ON THE AGENDA FOR JANUARY 16, 1996 DESIGNATING THE TOPIC FOR THE JANUARY 29, 1996 TOWN FORUM TO BE PUBLIC SAFETY AND TO HAVE KOLT & SERKIIAN PROVIDE INFORMATION TO THE PUBLIC ABOUT THIS TOWN FORUM

CARRIED UNANIMOUSLY

J. ESTABLISHING AN AD HOC COMMITTEE ON HOUSING

MOTION BY COUNCILMEMBER NOVAK TO PLACE A RESOLUTION ON THE AGENDA FOR JANUARY 16, 1996 ESTABLISHING AN AD HOC COMMITTEE ON HOUSING

CARRIED UNANIMOUSLY

MOTION BY COUNCILMEMBER LILLY "THAT THE COMMITTEE OF THE WHOLE DO NOW RISE."

CARRIED UNANIMOUSLY

TABLED ITEMS

A. AMENDMENT TO ADD A NEW CHAPTER, CHAPTER 245, FOR THE PURPOSE OF ESTABLISHING THE SITE OF THE CITY MARKET

MOTION BY COUNCILMEMBER NOVAK TO HAVE THE CITY ATTORNEY PREPARE AN ANALYSIS OF WHAT DESIGNATIONS MIGHT BE AVAILABLE UNDER STATE LAW AND TO TABLE THIS ITEM FOR 30 DAYS PENDING RECEIPT OF THIS REPORT FROM THE CITY ATTORNEY.

PENDING MATTERS

IT WAS AGREED TO ADD THE FOLLOWING ITEMS TO THE PENDING MATTERS FOR THE JANUARY 22, 1996 MEETING:

D. ETHICS ORDINANCE
E. SOUTH SIDE COMMUNITY CENTER

CITIZEN COMMENT ON CITY MATTERS

DAVID REED, HOMELESS IN LANSING, REPORTED THAT

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he is being denied services.

Rick Haynes of 2108 Webster presented Councilmembers with a packet of information.

Robert Bennett of 222 W. Saginaw stated that he is happy to see two more ice rinks being opened.

Lloyd Teets of 116 E. Elm stated that the Ad Hoc Committee on the rain tax was not properly established by Council.

Paul Scott of 412 W. Kilborn thanked Councilmembers for tonight's reception and stated that he supports the establishment of an Ad Hoc Committee on Housing.

William Hubbell of 1827-1/2 W. Holmes Road stated that he is looking forward to this year.

Ramiro Torrez of 718 Durant stated that neighbors are getting fed up with the trash problem created in their neighborhood by Famous Taco and by the lack of responsiveness by Henry Hernandez in the Building department.

Tom Shiels congratulated new Councilmembers and stated he felt the city was greedy in charging for downtown parking.

Gary Wilson of 1722 Mary Avenue asked why the Council did not put the stormwater rate question to a vote of the residents of Lansing.

Bob Johnson of 5723 Richwood congratulated the newly elected Councilmembers.

Tom Lafferty, no address given, stated he was opposed to a settlement hearing with former Mayor McKane.

COUNCILMEMBER COMMENTS

Harold Leeman thanked his supporters and stated his objectives for the year; both short and long term.

Sandy Allen announced that there will be a meeting to review the changes to Community Policing on January 18th from 7:00 - 8:30 and hopes residents will attend.

Paul Novak announced a Security and Safety Clinic to be held on January 13th at Holy Cross Church from noon until 5:00 P.M. Questions about this Clinic may be given to Sgt. Bruce Ferguson at 483-4661.

Joan Bauer thanked her supporters and said she is looking forward to the next four years.

Ellen Beal welcomed new Councilmembers Bauer and Leeman.

Howard Jones asked the public to call him if they have any comments regarding the new format for Council meetings. Council President Jones reminded everyone that next week's meeting will be on Tuesday due to the Martin Luter King, Jr. holiday.

MAYOR'S EXECUTIVE ASSISTANTS RESPONSE TO QUESTIONS

David Wiener announced that there will be a Martin Luther King, Jr. birthday celebration in City Council Chambers on January 12th. Willard Walker will be the keynote speaker.

ADJOURNED 9:42 P.M.

MARILYNN SLADE, LANSING CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JANUARY 16, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

READING AND APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Novak

To approve the Printed Proceedings of January 8, 1996

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent)

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a Resolution for the distribution of unclaimed bicycles to Boy Scout Troop 296

2. From Councilmember Novak; a letter from Mayor Hollister submitting a Fire Department Study

3. From Councilmember Novak; a letter from Joel Ferguson of 5815 S. Pennsylvania regarding his Offer to Purchase the Grand/Kalamazoo Triangle Property

4. From Councilmember Novak; a letter from Attorneys on behalf of Joel Ferguson regarding his Offer to Purchase the Grand/Kalamazoo Triangle Property

5. From Councilmember Novak; a letter from the City Attorney regarding the Ferguson Offer to Purchase the Grand/Kalamazoo Triangle Property

6. From Councilmember Leeman; a Resolution of Tribute to the Lansing Catholic Central Girls Basketball Team and a request that the rules be suspended to allow for a Special Ceremony to present the resolution

SPECIAL CEREMONIES

A. Mayor Hollister, along with his Chief Executive Assistant, David Wiener, presented a Proclamation to Minoru Shirai of the Otsu, Japan Sister City Delegation. Mayor Hollister told Mr. Shiran that Lansing expects to send a delegation of Middle School Students to Otsu, which is located in Shiga Prefecture, this spring. Lansing, he said, looks forward to continued good relations with Otsu.

Mr. Shiran thanked Mayor Hollister and Mr. Wiener for the tribute and told everyone how much he looks forward to telling the residents of his City and State about his friends in Lansing.

B. Councilmembers Beal and Leeman presented a resolution of tribute to members of the Lansing Catholic Central High School Girls Basketball Team, The Cougars, winners of the State Class C Championship. Councilmember Beal offered her congratulations to Coach Cook. Coach Cook introduced the parents of his girls' basketball team and thanked them for their support. He thanked City Council for the tribute paid to the team tonight and commended his team members for the excellent team spirit and academic achievements they have displayed during this season.

PUBLIC COMMENT

James Moore of 610 W. Ottawa said that his biggest complaint about the City of Lansing is that home owners and businesses do not clean their sidewalks of ice and snow. This makes it very difficult for senior citizens and physically challenged citizens to navigate. Additionally the City needs to do something about the way the streets are plowed. When intersections are plowed, the excess snow is not removed, it is pushed up onto the sidewalks making a huge mountain of snow that pedestrians must climb over in order to cross the streets.

Mike Leonard of 3714 Stratford agreed with the comments of the previous speaker and said that City sidewalks are unsafe. The citizens of the City, he said, expect the City to provide clean, safe sidewalks that are free of obstacles and safe for everyone. The City must see that the

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SIDEWALKS ARE CLEANED PROPERLY. HE SUGGESTED THAT THE CITY TAKE ADVANTAGE OF INDIVIDUALS WHO HAVE BEEN SENTENCED TO FULFILL COMMUNITY SERVICE TIME, FOR THE CLEARING OF SIDEWALKS. HE URGED ADOPTION OF THE MUNICIPAL CIVIL INFRACTION ORDINANCES. THESE ORDINANCES PROTECT THE SAFETY OF THE ELDERLY, DISABLED, YOUNG CHILDREN AND STUDENTS.

GEORGE ELLENA OF 2901 GLENBROOK SAID THAT THE CITY NEEDS A PLAN FOR ENFORCED SNOW REMOVAL. HE URGED PASSAGE OF THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES, MAKING THIS OFFENSE A CIVIL INFRACTION THAT THE CITY CAN ISSUE TICKETS FOR. THESE CODES ARE NOT MEANT TO PROVIDE REVENUES, THEY ARE MEANT TO FORCE PEOPLE TO COMPLY WITH THE REQUIREMENT THAT THEY KEEP THEIR SIDEWALKS CLEAN AND PASSABLE.

HAROLD BELL OF 1124 REGENT SPOKE IN OPPOSITION TO THE STORM WATER ENTERPRISE FUND ORDINANCE. HE STATED THAT IN 1991 HIS SEWER BILL WENT UP DRASTICALLY AND HE WOULD LIKE TO KNOW WHAT THAT INCREASE WAS FOR AND HOW THE REVENUES HAVE BEEN SPENT. HE SAID THAT THE MONEY THE CITY HAS SPENT ACQUIRING THE LAND FOR THE BASEBALL STADIUM WOULD HAVE BEEN BETTER SPENT PAYING FOR THE SEWER SEPARATION PROJECT. HE SAID THAT HE CALLED CITY HALL TO COMPLAIN ABOUT HIS STORMWATER ENTERPRISE FUND FEE AND THE PERSON WHO ANSWERED THE PHONE DID NOT WANT TO LISTEN TO HIS COMPLAINTS.

HELEN FISER OF 1500 E. CAVANAUGH PROTESTED THE BILLING SHE RECEIVED FOR THE STORM WATER ENTERPRISE FUND. SHE STATED THAT A GROUP HAS BEEN FORMED, "CITIZENS TO ABOLISH THE RAIN TAX ORDINANCE" AND THEY INTEND TO CIRCULATE PETITIONS TO RECALL THE ORDINANCE. SHE AND HER HUSBAND OWN FISER'S SUPPLY CO. ON CAVANAUGH ROAD. SHE IS UPSET THAT THE CHAMBER OF COMMERCE SEEMS TO HAVE HAD THE MOST INPUT INTO THE DEVELOPMENT OF THIS ORDINANCE. SHE ASKED FOR A TIMETABLE AS TO HOW LONG THE CITY EXPECTS TO COLLECT THIS TAX AND FOR AN EXPLANATION AS TO WHY REVENUE BONDS WERE NOT USED TO FUND THE PROJECT.

LLOYD TEETS OF 116 E. ELM ST. READ HIS LETTER, WHICH APPEARS ON TONIGHT'S AGENDA AS ITEM VIII-I. HE SAID THAT THE COMMITTEE FAILED TO CONSIDER CRITERIA ON HOW THE FUNDING METHODOLOGY WOULD AFFECT AND IMPACT UPON BUSINESSES WHO WISH TO DO BUSINESS IN THE CITY OF LANSING AND POTENTIAL HOMEOWNERS WHO MAY WANT TO BUY HOMES IN THE CITY OF LANSING.

CITY ATTORNEY SMIERTKA RESPONDED TO COMMENTS MADE BY MRS. FISER REGARDING THE GROUP TO RECALL THE STORM WATER ENTERPRISE FUND ORDINANCE. HE COUNSELED THIS GROUP TO BRING THEIR PETITIONS INTO HIS OFFICE TO HAVE THEM REVIEWED FOR LEGALITY PRIOR TO COLLECTING SIGNATURES. THERE ARE PROVISIONS OF STATE LAW THAT MAY AFFECT THEIR PETITIONS AND THEY SHOULD BE REVIEWED BEFORE THEY ARE CIRCULATED.

JOHN CAMPANILE OF 4902 TRESSA DR. SPOKE IN OPPOSITION TO THE STORM WATER ENTERPRISE FUND FEE. THIS FEE IS A TAX, NO MATTER WHAT COUNCILMEMBERS CHOOSE TO CALL IT. IF COUNCIL WOULD CALL IT A TAX, RESIDENTS COULD DECLARE IT ON THEIR INCOME TAX RETURNS AND RECOUP SOME OF THE COST. HE HAS TOO MANY QUESTIONS ABOUT THE FEE TO FIT INTO A FIVE MINUTE TIME PERIOD. HE CRITICIZED MAYOR HOLLISTER FOR CALLING FOR THE ADOPTION OF THIS ORDINANCE BY THE DECEMBER 15 DEADLINE.

ALEX BOLT OF 1230 REO RD. OFFERED INFORMATION TO RESIDENTS ON HOW TO APPEAL THEIR STORM WATER FEE. RESIDENTS MAY CALL 483-4452, OR 694-3278 FOR MORE INFO, OR WRITE "RAIN FEE" C/O PUBLIC SERVICE DEPARTMENT, STE. #732, 124 W. MICHIGAN AVE., LANSING, MI 48933. THIS ORDINANCE WAS IMPOSED ON THE PROPERTY OWNERS OF THIS CITY WITHOUT BENEFIT OF THE VOTE OF THE PEOPLE THAT IT AFFECTS, WHICH IS PROHIBITED BY THE STATE CONSTITUTION. PEOPLE WISHING TO JOIN THE EFFORT TO OVERTURN THE ORDINANCE MAY CALL 887-3221 IF THEY LIVE SOUTH OF MICHIGAN AVENUE. RESIDENTS WHO WISH TO JOIN THE EFFORT AND WHO LIVE NORTH OF MICHIGAN AVENUE MAY CALL 485-0933.

DOUG CHRISTIANSEN OF 1801 W. HOLMES RD. SUBMITTED A COPY OF A COMPLAINT THAT HE MAILED TO THE STATE ATTORNEY GENERAL'S OFFICE, STATING HIS BELIEF THAT THIS FEE IS REALLY A TAX. HE CRITICIZED CONFLICTING REPORTS THAT HE HAS GOTTEN FROM CITY AGENCIES REGARDING THE ENTIRE CSO PROJECT. HE URGED COUNCIL TO PURSUE OTHER OPTIONS OF FUNDING, SUCH AS REVENUE BONDS, OR THE BOARD OF WATER & LIGHT CASH RESERVE FUND.

RALPH SHAHEEN OF 3901 S. MARTIN LUTHER KING BLVD. SAID THAT HE SUPPORTS THE IDEA OF CLEAN RIVERS AND STREAMS, HOWEVER, THIS FEE MUST BE REASSESSED. THE COUNCIL MUST TAKE ANOTHER LOOK AT HOW TO FINANCE THE PROJECT. HE READ A PORTION OF A REPORT BY THE HEADLEY COMMISSION. THE STORMWATER FEE ON HIS BUSINESS IS $10,000 PER YEAR. OVER THE COURSE OF 30 YEARS THIS AMOUNTS TO $300,000. A USER FEE IS DESCRIBED AS A VOLUNTARY FEE FOR SERVICES PERFORMED. THIS FEE IS NOT A VOLUNTARY FEE. IT IS, HOWEVER, A FEE THAT HE CANNOT PASS ON TO HIS CUSTOMERS.

CAMILLE ABOOD WITH OFFICES AT 224 N. PINE AND 300 W. OTTAWA SAID THAT THE CITIZENS OF LANSING HAVE EXTREMELY GRAVE EXCEPTIONS TO THE STORMWATER ENTERPRISE FEE AND THE MANNER IN WHICH IT WAS ADOPTED. THE CITIZENS OF THIS COMMUNITY HAVE THE RIGHT TO BE HEARD AND TO HAVE COUNCIL PAY ATTENTION TO THEIR CONCERNS. THE CONCERN IS THE BASIC METHODOLOGY USED TO ARRIVE AT THE FEE. HE REPORTED READING A CHAMBER OF COMMERCE ARTICLE IN THE NOVEMBER 1995 ISSUE OF

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the Metro-Link, in which the Chamber of Commerce boasts about the inclusion of Non-Profit Agencies and Churches in the billing process. The citizenry will employ every remedy available in forcing the review of this ordinance. He requested an independent audit of Board of Water & Light resources, and, he requested that City Attorney Smiertka not act as the ruling authority on the legality of the petitions they will present. He asked Council to find a way to unite the community.

Steven Johns Burma of 1539 Spencer said he is from the Michigan Ecumenical Forum. They submitted petition signatures from 16 area churches opposing the Stormwater fee. He has additional petition signatures to be added to those previously submitted.

Reverend Jan Height of 2905 Gibson spoke in opposition to the Stormwater enterprise fee. She urged Council to reconsider the ordinance and to make nonprofit agencies part of the process of reconsideration.

Mark Canady, representing Riverfront Towers, LLC and Joel Ferguson, presented a check in the amount of $1,000,000 to Council, along with an offer to purchase city-owned property described as the Grand/Kalamazoo Triangle, from his client. This good faith offer is not binding on the City and his client has no request for obligation. There is no attending obligation to act. They request that this matter be referred to the appropriate committee.

President Jones asked City Attorney Smiertka if there were any legal issues involved in the acceptance of the offer to purchase and the good faith deposit. City Attorney Smiertka answered that there are risks involved for the City in accepting an unsolicited offer and deposit. He cannot say that the City is able to accept this offer and good faith payment. The Mayor has forwarded the offer to purchase this property to Council. The City does not need a deposit to consider an offer to purchase real estate. Nor do they need a deposit to enter into an agreement to consider the offer to purchase real estate. It is his opinion that, until this matter has been reviewed, the acceptance of this deposit should not be undertaken by the City.

Councilmember Lilly asked the City Attorney if Council is prohibited from saying that they want to consider the sale of a piece of property. City Attorney Smiertka responded that the City Charter places the responsibility of putting real estate deals together on the Mayor, although City Council has ultimate approval of the deals, the Mayor negotiates on behalf of the City. He cannot give a clearer answer at this time, however, the responsibility for negotiating real estate deals lie with the Mayor.

Councilmember Lilly protested that this proposal has been in negotiation for some time. There was a joint meeting between City and County officials, at which the Mayor was present, for the discussion of this proposal. Mr. Ferguson made this proposal last fall. He stated his disagreement with the position taken by the City Attorney.

Councilmember Beal inquired as to whether the City Council was prohibited from accepting the $1,000,000 check as a good faith offer to negotiate an agreement on the property?

City Attorney Smiertka said that City Council does not have a contract in front of them for action tonight. It remains his opinion that there are potential problems associated with accepting this check tonight, not the least of which is the crossing of the separation of powers line that exists between the administrative and legislative branches of City Government.

Councilmember Benavides asked if Council can receive the check and refer it to the Mayor.

Joel Ferguson of 1341 Cambridge stated that he wished to authorize his attorney, Mark Canady, to retrieve the check from President Jones for presentation to Mayor Hollister.

Ken Vaughan of 114 Garden ST. said that if the voters of the City of Lansing were not given the privilege of voting on the rain tax, they should not have to pay the fees. He questioned City Attorney Smiertka about his statement that provisions may exist in State Law that would pre-empt the filing of referendum petitions on this matter. It is the constitutional right of citizens to petition their government for redress of grievances.

City Attorney Smiertka clarified; if it is a referendum petition that is being circulated, it would have to be submitted within 30 days of the passage of the ordinance. Aside from that, this ordinance was adopted under the State Revenue Bonding Act, which sets forth very specific requirements for petitions. The proposed petitions should be submitted to his office so that they can be reviewed as to their validity, prior to being circulated.

Councilmember Jones added that the issue is whether the petition is initiative, or referendum in nature.

Reverend Michael Murphy of St. Stephens Community Church at 1420 W. Oakland spoke in opposition to the Stormwater fee, or rain tax, as it is being referred to. This is another dark

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cloud for the City and one that needs resolution. There are uncertainty, confusion and growing anger about this fee. Nonprofit agencies, especially churches, support the goals of the CSO project for cleaner water and a cleaner environment, but they have questions about the process and these questions merit further deliberation by Council. Council must not let this issue become a wedge between the various sectors of the community.

Paul Scott of 412 W. Kilborn said that Citizens for a Better Lansing and the North Lansing Community Association support Council's action tonight to oppose Senate Bill 653. He supports the appointments to the Board of Police Commission, with the exception of the appointment of Robert Brockwell. He asked Council to consider the appointment of Kevin McKinney and Liz Boyd to LEPFA.

Louis Eyde of 4660 Hagadorn Rd. in E. Lansing, spoke in opposition to the rain tax, saying, it has damaged his property value. There is no way for him to pass this expense on to his tenants.

Rick Kibbey, a member of the Ad Hoc Stormwater Utility Committee, said that the formulation of this ordinance was not a hurry up job. All of their meetings were open to the public and all materials were available to everyone. Councilmember Novak bent over backwards to accommodate everyone who had an interest in this process. He would be willing to go over this material again, however, the cost of the CSO project must be paid, the only issues are how they will be paid and who is going to pay them. The Committee took the approach of devising a self sufficient system that would not be dependent upon the general fund. The revenues of the system should equal the cost of operation of the system. Borrowed money costs more, not less. Everyone should pay their fair share. If Churches and Nonprofits do not pay then someone else will have to pay their portion. It does not matter to him if it is a tax, or a fee, but it must be paid. The deadline for passage of this ordinance was established because of contractual obligations that the City has on the CSO project.

Mitch Skory of 1906 E. Miller stated his complaints about the Stormwater Enterprise Fund. He feels that there are discrepancies in the billing process and serious questions about the methodology. He stated his desire to appeal his fee and appear before Council to discuss his appeal.

Thomas Latrille of 3223 Norwhich, Pastor of Kendon Drive Church of the Nazarene, spoke in opposition to the Stormwater fee for his church. They are a very small church that cannot afford their other utilities. They cannot begin to afford the Stormwater fee. This fee could be seen to prevent the right to free worship that is guaranteed in the Constitution of the United States.

Hasna Gempel of 1526 Knollwood Ave. said that the assessment of Stormwater Fees is too high. She and her husband own several rental properties in Lansing. They cannot pass this fee on to their tenants. Most people are struggling just to pay their rent and cannot afford to absorb the Stormwater fees as well.

Richard Fiser of 1500 E. Cavanaugh stated his opposition to the Stormwater fee. This fee is not fair to him, because water from other areas of the city drains onto his property. His property does not even drain into the City sewer system.

Council President Jones declared a 5 minutes recess. City Council recessed at 8:55 P.M. and reconvened at 9:00 P.M.

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. SLU-01-96, NE Corner of Beaujardin Dr. & Oakbrook Dr., Special Land Use Petition filed by Greater Joy Church of God in Christ to allow for the development of a new Church facility and landscaping

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. Letter from the Tri-County Regional Planning Commission requesting appointments to their Board

REFERRED TO THE COUNCIL PRESIDENT

C. Letter from Alexander Bolt 1230 Reo Rd. submitting a complaint on the Stormwater Enterprise Fund

REFERRED TO THE COMMITTEE OF THE WHOLE, THE COMMITTEE ON PUBLIC SERVICES AND THE MAYOR

D. Letter from George Ellena of 2901 Glenbrook requesting passage of the Municipal Civil Infractions Code Amendments relating to snow and ice removal from sidewalks

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REFERRED TO THE COMMITTEE ON GENERAL SERVICES

E. Letter from Denise Cutter submitting a complaint about the management of the Lansing Housing Commission

REFERRED TO THE MAYOR

F. Letter from Mrs. Russell Grant of 615 Kendon Dr. submitting a complaint about the Storm Water Enterprise Fund fees

REFERRED TO THE COMMITTEE OF THE WHOLE, THE COMMITTEE ON PUBLIC SERVICES AND THE MAYOR

G. Letter from Inez Clark of 915 S. Dexter Dr. requesting the installation of a Stop sign at S. Dexter and Plymouth Dr.

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

H. Letter from the Michigan Ecumenical Forum of 809 Center St. submitting petition signatures from 16 representatives of Lansing area Churches requesting that Council reconsider the Stormwater Enterprise Fund Ordinance

REFERRED TO THE COMMITTEE OF THE WHOLE, THE COMMITTEE ON PUBLIC SERVICES AND THE MAYOR

I. Letter from Lloyd Teets of 116 E Elm requesting information about the Storm Water Enterprise Fund

REFERRED TO THE COMMITTEE OF THE WHOLE, THE COMMITTEE ON PUBLIC SERVICES AND THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister had no comments at this time

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Transfer Class-C: Carolay, Inc.
KMD of Lansing, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from Fire Chief, Henderson Bodiford, regarding the review of the Fire Department Budget by the Board of Fire Commissioners

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

D. City of Lansing 1995 Comprehensive Annual Financial Report FY Ended June 30, 1995

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

E. Letters from the Mayor re:

1/ Transfer of Funds: LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Evening and Saturday Parking and Baseball Parking Recommendations

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Participation in Michigan State Housing Development Authority Rehabilitation Assistance Program (RAP)

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ Letter of Appreciation from R.E. Olds Transportation Museum Association

RECEIVED AND PLACED ON FILE

5/ Appointment of David Maxsam to the Board of Police Commissioners for a Term to Expire 6/30/99

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

6/ Appointment of Robert Brockwell to the Board of Police Commissioners for a Term to Expire 6/30/99

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ Appointment of Debbie Fredricks to the Board of Police Commissioners for a Term to Expire 6/30/2000

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ Appointment of Daniel Nickerson to the Lansing Entertainment and Public Facilities Authority (LEPFA) for a Term to Expire 12/31/96

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REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

9/ Appointment of Charley Sanidinos to LEPFA for a Term to Expire 12/31/96

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

10/ Appointment of Timothy Nichols to LEPFA for a Term to Expire 12/31/97

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

11/ Appointment of Dennis Sykes to LEPFA for a Term to Expire 12/31/97

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

12/ Appointment of James Butler to LEPFA for a Term to Expire 12/31/98

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

13/ Appointment of Gina Torielli to LEPFA for a Term to Expire 12/31/98

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

14/ Appointment of John Decker to LEPFA for a Term to Expire 12/31/98

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

15/ Appointment of Glen Friedly to LEPFA for a Term to Expire 12/31/96

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

16/ Resignation of Sandra Bitonti Stewart from the Ethics Board

RECEIVED AND PLACED ON FILE

17/ Resignation of Sharon L. Kellogg from the board of Police Commissioners

RECEIVED AND PLACED ON FILE

18/ Appointment of Donald Ristow to LEPFA for a Term to Expire 12/31/96

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

RESOLUTIONS

RESOLUTION #003

BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL
OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, February 5, 1996 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the proposed Special Land Use permit for the following property:

SLU-14-95, 223 S. Pennsylvania, Residential Care Facility for up to Ten Male Teenaged Youths

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

RESOLUTION #004

BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, February 5, 1996 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the proposed Special Land Use permit for the following property:

SLU-11-95, 3016 Risdale Avenue, Addition onto Existing AFC Facility

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

RESOLUTION #005

BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, February 12, 1996 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124

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West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the proposed Special Land Use permit for the following property:

SLU-16-95, Vacant 7-acre Parcel at N. end of Westwood Ave., Residential Care Facility for 8-10 Elderly Persons

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

RESOLUTION #006

BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, February 12, 1996 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the proposed Special Land Use permit for the following property:

SLU-17-95, Vacant 3.37-acre Parcel off S. end of Coulson Ct., Residential Care Facility for 8-10 Elderly Persons

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

RESOLUTION #007

BY COUNCILMEMBERS JONES AND NOVAK
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLUTION IN OPPOSITION TO MICHIGAN STATE SENATE BILL 653 TO REPEAL PROVISIONS OF MICHIGAN HOUSING LAW

WHEREAS, Senate Bill 653 would repeal the current provisions contained in the State Housing law which allow the City of Lansing to conduct periodic inspection of rental property every two (2) years; and

WHEREAS, This bill prohibits a city, village or township from enacting or enforcing regulations which are more stringent than those contained in the State Housing law; and

WHEREAS, A substantial percentage of the City of Lansing's housing units are rental units; and

WHEREAS, There exists a longstanding democratic tradition of governmental regulation intended not to unduly interfere in the business and lives of citizens, but instead to protect individuals from the historical and potential practices of exploitation and abuse and to maintain and preserve the environment and natural resources; and

WHEREAS, The purpose of the City of Lansing's Housing Code is to protect the health, safety and welfare of residents and to protect the City's diverse housing stock from deterioration; and

WHEREAS, An ongoing periodic inspection program and the comprehensive, consistent enforcement of the provisions contained in the Housing Code are fundamental to achieving these purposes; and

WHEREAS, The fees charged for performing these inspections represent only the City's actual cost of operating the inspection program; and

THEREFORE BE IT RESOLVED, That on January _, 1996, the Lansing City Council, in an effort to safeguard the health, safety and welfare of its residents and to prevent the deterioration of the City's rental housing stock, urge you not to support Senate Bill 653 in its present form or in any form which requires that tenants give written permission for, or which makes it more difficult for the City to obtain a warrant to conduct inspections; and

BE IF FURTHER RESOLVED, That copies of this Resolution be sent to all State legislators representing the City of Lansing and Ingham and Eaton Counties, and to all members of the Local, Urban and State Affairs Committee of the Michigan State Senate.

By Councilmember Novak

To amend the resolution in the "THEREFORE BE IT RESOLVED" paragraph to insert the word "TO" between the words "City" and "obtain" and to amend the "BE IT FURTHER RESOLVED" paragraph to state that the Resolution "be sent to all State legislators representing the City of Lansing and Ingham and Eaton Counties, and to all members of the APPROPRIATE COMMITTEES OF THE STATE HOUSE AND STATE SENATE."

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AND TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED.

CARRIED UNANIMOUSLY

RESOLUTION #008

BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS REQUESTED THAT THIS COUNCILS REGULAR MEETING SCHEDULED FOR MONDAY, JANUARY 22, 1996, BE CONDUCTED AT GARDNER MIDDLE SCHOOL IN CONJUNCTION WITH THE MAYOR'S ANNUAL STATE OF THE CITY MESSAGE;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE MAYOR'S REQUEST TO CHANGE THE LOCATION OF ITS REGULAR MEETING AT 7:00 PM ON MONDAY, JANUARY 22, 1996, TO THE AUDITORIUM IN GARDNER MIDDLE SCHOOL, 333 DAHLIA DRIVE.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #009

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING AND THE CAPITOL CITY LODGE #141, FRATERNAL ORDER OF POLICE, SUPERVISORY DIVISION HAVE NEGOTIATED A LABOR AGREEMENT FOR THE PERIOD COVERING JULY 16, 1995 THROUGH JULY 15, 1998; AND

WHEREAS, THE SUPERVISORY UNIT MEMBERSHIP HAS RATIFIED THIS AGREEMENT AND;

WHEREAS, THE MAYOR HAS RECOMMENDED THAT THE CONTRACT BE APPROVED; AND

WHEREAS, THE CITY COUNCIL HAS REVIEWED THE CONTRACT PROVISIONS; AND

WHEREAS, THE PROPOSED AGREEMENT IS WITHIN THE PARAMETERS ESTABLISHED BY THE CITY AND WITHIN BUDGET LIMITATIONS;

NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL HEREBY RATIFIES THE CONTRACT BETWEEN THE CITY OF LANSING AND THE CAPITOL CITY LODGE #141, SUPERVISORY DIVISION FOR THE PERIOD JULY 16 1995 THROUGH JULY 15, 1998; AND

BE IT FURTHER RESOLVED, THAT THE COMMITTEE OF THE WHOLE AUTHORIZES THE ADMINISTRATION TO PROCESS THE NECESSARY APPROPRIATIONS AND TRANSFERS TO THE APPROPRIATE SALARY AND FRINGE BENEFIT ACCOUNTS TO FUND THIS AGREEMENT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #010

BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, ONE OF THIS COUNCIL'S HIGHEST PRIORITIES IS REHABILITATION, DEVELOPMENT AND MAINTENANCE OF SAFE, AFFORDABLE HOUSING FOR CURRENT AND NEW RESIDENTS; AND

WHEREAS, THE CAPITAL CITY HAS MANY PARCELS AVAILABLE FOR CONSTRUCTION OF NEW HOUSING, AND REDEVELOPMENT OF OLDER AREAS OF EXISTING HOUSING; AND

WHEREAS, THE COUNCIL DESIRES TO TAKE AN ACTIVE ROLE IN SPURRING SUCH DEVELOPMENT;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY ESTABLISHES THE AD HOC COMMITTEE ON HOUSING, TO MEET DURING 1996 WITH A GOAL OF PROVIDING A FINAL REPORT BY THE LAST COUNCIL MEETING IN DECEMBER; AND

BE IT FURTHER RESOLVED THE COMMITTEE SHALL BE CHARGED WITH DEVELOPING POLICY RECOMMENDATIONS RELATED TO HOUSING ISSUES, INCLUDING:

A. EXAMINATION OF METHODS AVAILABLE TO THE CITY TO PROMOTE HOME OWNERSHIP;
B. INITIATION OF LARGER EFFORTS BY THE CITY TO IMPROVE HOUSING STOCK THROUGH COLLABORATION WITH FINANCIAL INSTITUTIONS, NEIGHBORHOODS, NON-PROFIT HOUSING CORPORATIONS, AND OTHERS;
C. REVIEW OF THE CITY COMPREHENSIVE PLAN TO RE-EMPHASIZE PREVIOUSLY-APPROVED HOUSING STRATEGIES, TARGET AREAS AND USE OF FEDERAL AND STATE FUNDING PROGRAMS TO ACHIEVE CITY GOALS;
D. CREATION OF VIABLE INCENTIVES FOR CITY EMPLOYEES TO LIVE AND INVEST IN THE CITY; AND
E. DETERMINATION OF THE EFFECTIVENESS OF THE CITY'S CODE COMPLIANCE PROGRAM FOR HOUSING.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #011

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

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WHEREAS, UNDER THE NEW SCHEDULE FOR CITY COUNCIL MEETINGS, WHENEVER A MONTH CONTAINS FIVE MONDAYS, THE FIFTH MONDAY'S MEETING WILL BE CONDUCTED AS A TOWN FORUM; AND

WHEREAS, JANUARY 29, 1996, IS THE FIFTH MONDAY OF JANUARY, AND THE SUGGESTED TOPIC FOR THE TOWN FORUM IS PUBLIC SAFETY;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY REQUESTS THE CITY CLERK TO PUBLISH NOTICE OF THE TOWN FORUM AT 7:00 PM ON MONDAY, JANUARY 29, 1996, IN THE 10TH FLOOR CHAMBERS OF CITY HALL, ON THE TOPIC OF PUBLIC SAFETY.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #012

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING WILL CONDUCT ITS FIFTEENTH ANNUAL OBSERVANCE OF THE BIRTHDAY OF DR. MARTIN LUTHER KING, JR., ON FRIDAY, JANUARY 12, 1996, FROM 12 NOON TO 1 PM IN THE CITY COUNCIL CHAMBERS; AND

WHEREAS, THE THEME OF THIS YEAR'S OBSERVANCE IS 'LIVING THE DREAM INTO AND BEYOND THE 21ST CENTURY,' WITH A KEYNOTE ADDRESS BY MR. WILLARD KING WALKER, DIRECTOR OF THE OFFICE OF SCHOOLS TO WORK, MICHIGAN JOBS COMMISSION; AND

WHEREAS, THE FEDERAL ACT THAT ESTABLISHED DR. KING'S BIRTHDAY AS A NATIONAL HOLIDAY SUGGESTED THAT THE DAY BE USED AS A TIME FOR AMERICANS TO REFLECT ON DR. KING'S DREAM OF A SOCIETY IN WHICH FREEDOM, EQUALITY AND JUSTICE CAN BE ENJOYED BY ALL;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY WELCOMES THE RESIDENTS OF LANSING TO THE COUNCIL CHAMBERS FOR THE 1996 OBSERVANCE OF DR. MARTIN LUTHER KING, JR.'S BIRTHDAY IN THE CAPITAL CITY; AND

BE IT FURTHER RESOLVED THE COUNCIL URGES ALL CITIZENS OF LANSING TO SHARE DR. KING'S DREAM AND WORK TOWARD JUSTICE, GOOD WILL AND BROTHERHOOD FOR ALL PEOPLE.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #013

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY TEE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE LANSING CATHOLIC CENTRAL HIGH SCHOOL GIRLS' BASKETBALL TEAM, COACHED BY PAUL COOK AND WITH A STARTING FIVE CONSISTING OF SARAH GRILL, CHRISTEL ROCHA, HAVILAH CUNNINGHAM, THERESA DINN, AND KATIE THELEN, SUPPORTED BY JULIE STOWERS, KELLY CZUHAK, ANDREA PHILLIPS, KIM MCKENNA AND ROXANNE DAMEROW, FINISHED THE 1995 REGULAR SEASON WITH 19 WINS AND ONE LOSS; AND

WHEREAS, THE LCC LADY COUGARS EASILY FINISHED FIRST IN THE CAPITAL CIRCUIT, THEN WENT ON TO WIN THE CLASS C DISTRICT WITH WINS OVER PEWAMO-WESTPHALIA AND LAINGSBURG, AND THE REGIONAL CHAMPIONSHIP BY DEFEATING BAY CITY ALL SAINTS AND NEW LOTHROP; AND

WHEREAS, IN THE STATE CLASS C QUARTERTINAL CONTEST, THE COUGARS BEAT GRANDVILLE CALVIN CHRISTIAN, THEN ADVANCED TO THE SEMIFINAL ROUND WHERE THEY ELIMINATED IRON MOUNTAIN; AND

WHEREAS, THE COUGARS SQUARED OFF AGAINST REDFORD BISHOP BORGESS IN THE STATE CHAMPIONSHIP GAME, HELD IN THE KELLOGG CENTER IN BATTLE CREEK, AND CAME AWAY WITH A 51-46 VICTORY TO BRING THE CLASS C TROPHY TO THE CAPITAL CITY, AND ALSO NOTCHING COACH COOK'S 700TH CAREER VICTORY;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL, SITTING IN REGULAR SESSION THIS 16TH DAY OF JANUARY, 1996, HEREBY COMMENDS AND CONGRATULATES THE PLAYERS AND COACHES OF THE 1995 CLASS C STATE CHAMPION LADY COUGARS OF LANSING CATHOLIC CENTRAL HIGH SCHOOL; AND

BE IT FURTHER RESOLVED THE MEMBERS OF COUNCIL OFFER THANKS FOR AN EXCITING SEASON ON BEHALF OF THE PROUD STUDENTS, FAMILIES AND FRIENDS OF LANSING CATHOLIC CENTRAL.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #014

BY COUNCILMEMBER RICK LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

BE IT RESOLVED THAT THE LANSING CITY COUNCIL SITTING IN REGULAR SESSION THIS 16TH DAY OF JANUARY 1996 HEREBY RE-CONSIDERS ITS VOTE ON RESOLUTION #002 ADOPTED ON JANUARY 8, 1996, WHICH SET A PUBLIC HEARING ON JANUARY 29, 1996 IN CONSIDERATION OF THE SALE OF PRIGGOORIS PROPERTY, AND THAT UPON RECONSIDERATION OF THE RESOLUTION, IT BE AMENDED TO SET A PUBLIC HEARING

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on February 5, 1996.

By Councilmember Lilly

Carried unanimously

By Councilmember Lilly

RESOLUTION #015

BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communications dated December 21, 1995, and January 16, 1996, to Boy Scout Group 296/Lansing Michigan Stake;

AND BE IT FURTHER RESOLVED any bicycles from this list that are not pick up by the eligible non-profit agencies by January 22, 1996, may be disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a Resolution for the distribution of unclaimed bicycles to Boy Scout Troop 296

HANDLED AS RESOLUTION #015

2. From Councilmember Novak; a letter from Mayor Hollister submitting a Fire Department Study

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. From Councilmember Novak; a letter from Joel Ferguson of 5815 S. Pennsylvania regarding his Offer to Purchase the Grand/Kalamazoo Triangle Property

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4. From Councilmember Novak; a letter from Attorneys on behalf of Joel Ferguson regarding his Offer to Purchase the Grand/Kalamazoo Triangle Property

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5. From Councilmember Novak; a letter from the City Attorney regarding the Ferguson Offer to Purchase the Grand/Kalamazoo Triangle Property

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6. From Councilmember Leeman; a Resolution of Tribute to the Lansing Catholic Central Girls Basketball Team and a request that the rules be suspended to allow for a Special Ceremony to present the resolution

HANDLED AS RESOLUTION #013

PUBLIC COMMENTS

Paul Scott of 412 W. Kilborn advised Council that in their reconsideration of the Stormwater Enterprise Fund they should find out what the costs of running both the Stormwater enterprise fund and the sanitary sewer system are and how the sanitary sewer system is administered. He wants to be assured that he will pay only for what he sends through the sewer systems. He said that the State of the City Address should be held in City Council Chambers, and that the Mayor should not have mailed out notices of the change of location for the January 22, 1996 meeting prior to Council taking action to change the location.

Ramiro Torrez of 718 Durant stated a complaint about the Building Safety Department. He reported taking his complaints to Hank Hernandez personally on more than one occasion. He feels that Mr. Hernandez abuses his position and the people with whom he deals.

Lloyd Teets of 116 E. Elm St. agreed with the statements made by Mr. Scott with regard to the change of meeting location for the January 22, 1996 meeting. He feels that Council should be angry about the Mayor mailing out notices of the change of location prematurely.

Tom Shiels of 1118 Riley protested the change in parking fees that residents are facing in April.

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It is clear to everyone what group is being targeted by nighttime and Saturday fees. The removal of angle parking back in 1953 was the beginning of the end for downtown Lansing. He said that some of the people who retired under the 1992 Retirement Incentive Program will be collecting retirement benefits from the City of Lansing for 50 - 60 years.

Ammahad Shekarakki of 902 W. Willow said that nothing has changed for black men since the death of Dr. Martin Luther King, Jr. Racism and bigotry are no different. Unemployment among blacks and Hispanics is at an all time high and when these ethnic groups are discussed it is in terms of welfare and crime.

John Camponile protested Council's vote to oppose Senate Bill #653. This bill was introduced to prevent City Departments from raising fees. He said that parking fees are too high at $1.00 per hour in the downtown area.

Robert Bennett of 222 W. Saginaw said that he attended the ribbon cutting ceremony last Saturday for the Comstock Park Ice Skating Rink. There were about 200 people in attendance at this community event. They have 140 pairs of used ice skates and approximately 40 brand new pairs that were donated today. They average 40 people per hour on the rink. The money for the two additional ice skating rinks was money well spent.

COUNCILMEMBERS COMMENTS

Councilmember Allen thanked the Bennetts' and the "Friends of Comstock Park" for the success of the opening of the rink on Saturday. She is very gratified to see these two additional rinks opened. She announced a meeting this Thursday night at 7:00 P.M. to discuss and evaluate the success of the decentralization of the Lansing Police Department and the separation into different precincts.

Councilmember Benavides asked the Administration if they are working on new figures on the Stormwater enterprise fees and received an affirmative response from Mayor Hollister.

Councilmember Novak asked City Attorney Smiertka to discuss the appropriateness or lack of appropriateness of him (Novak) making comments about the Stormwater Enterprise Fund, considering the fact that it is currently being reviewed by the State Attorney General, by whom he is employed.

City Attorney Smiertka said that he looked at the conflict of interest issue and found it incompatible, however, the appearance of a conflict of interest does present a problem. Councilmember Novak is associated with the State Attorney General as an assistant, and it would be better for him not to make comments or enter into debate or dialogue on this matter until after the Attorney General has ruled, which is expected in late March. It is possible that all debate on this issue should be suspended until the Attorney General's ruling has been received.

Councilmember Novak stated that based on the City Attorneys remarks, he will not offer comment on the issue of the Stormwater Enterprise Fund until the State Attorney General's ruling has been released.

Councilmember Allen asked what would happen to the people who have already paid their Stormwater Fee bills, in the event that the Attorney General rules that the fee should be revoked.

City Attorney Smiertka said that it would depend on what the Attorney General's ruling actually is, however, it would be his recommendation that the City follow the reasoning of the Attorney General. And, if it were the case that the A.G. recommend a refund, that would be his recommendation as well.

Councilmember Lilly said that he does not believe that Councilmember Novak can make a decision to refrain from comments. It is his belief that there must be a motion for recusal and an affirmative vote of Councilmembers, to excuse Councilmember Novak from debate. Councilmember Novak has a legal duty to participate in debate on and voting on issues before Council.

Councilmember Novak disagreed, saying, comments are made or not made, depending on the decision of Councilmembers to make or not to make comments. He would like some indication from his colleagues as to whether they want him to participate, however, this issue is not before them right now as there is no vote before them at this time.

Councilmember Allen said that this discussion is unnecessary. It is a Councilmember's choice to make a comment, or not to make a comment.

Councilmember Lilly stated that Councilmember Novak is the only member of the Council, as currently seated, who served on the Ad Hoc Stormwater Committee. He cannot refuse to participate in Council's debates. His colleagues need his input in order to be able to answer questions about the deliberations of the Committee.

Councilmember Beal asked for an update from the administration regarding the problem of

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traffic signal sequencing, especially at intersections on Saginaw and Oakland, at the Public Safety meeting this Thursday. She repeated a complaint that she made several weeks ago about 4-Wheel vehicles tearing up the turf at Bancroft Park. She requested that the Administration take steps to curtail this activity. She reported that the Committee on Ways and Means will take up the issue of the night time parking policy this week at their regularly scheduled meeting, as well as the Administrations response to the City Market Audit.

Councilmember Bauer said that she is very happy to see so many positive activities going on in the City, including the Ice Skating Rink openings. This is good use of tax dollars. She reported attending the "Festeve" New Years Eve celebration, which was also a positive, wonderful event that demonstrated the partnership between the cities of Lansing and East Lansing. Representing the residents of Lansing on the City Council is an awesome responsibility, and it is one that is not taken lightly by anyone who serves on this body. This is a tough job, but will also be an interesting and challenging experience. She confirmed the regularly scheduled meeting of the Intergovernmental Affairs Committee this Thursday at 8:00 A.M.

Councilmember Leeman confirmed the regularly scheduled meeting of the Public Service Committee tomorrow morning at 11:30, where they will take up the five (5) DMS proceedings that are pending. He spoke regarding the restructuring of Council sub-committees and about a petition for curbs and gutters on Newark Avenue, as well as about a letter from Jackie Beard about sidewalk repair in front of her house. He displayed a form used to put items on the City Council agenda, that is available in the City Clerk's Office. He confirmed the regularly scheduled meeting of the City of Lansing Planning Board this Tuesday evening, and the Community Development Block Grant Meeting. He reported on an extensive list of meetings he attended during the last week, and congratulated the Walnut Neighborhood Organization on the Ice Rink Opening last Saturday. He hopes to see the Bancroft and Gier Park rinks open next year. He asked Mayor Hollister to distribute a memo of upcoming events next December. He spoke in support of the request by Darryl Burgess that the contents of the Civic Arena Time Capsule to be returned to the people.

Council President Jones congratulated the Walnut Neighborhood Organization as well as everyone who participated in the Comstock Park Ice Rink Opening Ceremony. He thanked Councilmember Allen for pushing the ice skating rink issue during last year's budget meetings. We hope to have four rinks open in the City next year. This is one way of showing the benefit of tax dollars to the residents of the City. He announced that the 5th meeting of January will be a Town Hall Forum with Public Safety issues as the topic. The Chair of the Public Safety Committee will chair that portion of the meeting. If residents have suggestions for topics they can be mailed or phoned into City Council Offices.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mayor Hollister reported asking Chief Boles and Don Christy to brief Council with regard to the decentralization of the Lansing Police Department and the status of commands applied for.

He reported that Jane Snowden, the City's Representative in Washington following our interests in grants, will be available to meet with Councilmembers tomorrow. Council can call Dave Wiener or Liza Estlund Olson to set up a conference with her.

The Mayor announced that he will be attending the National Conference of Mayors in Washington following his presentation of the State of the City Address next Monday.

He reported that the City has received payments to the Stormwater Enterprise Fund in the amount of $367,000 to date.

Councilmember Allen asked Mayor Hollister to find out how other Mayors are handling their Stormwater separations.

Mr. Wiener responded that the method used by Lansing is based on a model that is currently being used by approximately 200 other communities across the country.

ADJOURNED 10:10 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JANUARY 22, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

President Jones introduced Congressman Dick Chrysler and former State Representative Debbie Stabenow and welcomed them to tonight's meeting.

The Invocation and Pledge of Allegiance were led by Councilmember Beal

1996 STATE OF THE CITY ADDRESS

PEOPLE: MAKING IT HAPPEN
MAYOR DAVID C. HOLLISTER
STATE OF THE CITY ADDRESS
HARRY E. GARDNER MIDDLE SCHOOL
LANSING, MICHIGAN

JANUARY 22, 1996

Welcome to my third annual State of the City Address.

It is important that we meet here at Gardner Middle School surrounded by our young people and their artwork because we know that the fate of the city and the fate of our kids are directly connected. I want to thank Principal Ann Blair for hosting this important occasion and Nancy Cotter and her 7th and 8th grade students for all their hard work on the art which will be displayed in City Hall beginning tomorrow.

Gardner Middle School is a leader in innovation and three years ago initiated a Conflict Resolution Program now used as a model in other Lansing schools. Led by math teacher Jack Cooper, another program involves students serving seniors in the area through a food cooperative.

President Jones, City Councilmembers and citizens, the state of the city is strong and vital. There is a renewed vitality in our neighborhoods and downtown. Our economy is strong and stable. Our people are full of pride, commitment and expectation. It is our task to harness their energies and continue the journey. As partners, working together, we can make this a world class city.

We are all here tonight to acknowledge and celebrate our People: Working Together, Making It Happen. I welcome the newly elected members of the Council and their Council colleagues as critical partners in public service and express my appreciation to each of you. While we have different roles, it is important that we continue to function as partners as we move toward our goal of becoming a world class city – a city that is rich in diversity, safe, abundant in educational and cultural opportunities and environmentally healthy – a good place to live, work, play and raise a family.

I also want to applaud my hardworking staff, led by Chief of Staff Liza Estlund Olson. They include David Wiener, Kecia Coats, Robert Johnson, Delphine Rogers and Linda Sanchez.

We are joined in this auditorium by many partners who have helped make Lansing a better city during this last year; people representing neighborhoods, businesses, labor organizations, service clubs; people from diverse cultures and ethnic groups. People whose hope, pride, commitment, energy and ideas all combine to make up the wonderful mosaic we call our Lansing community. But as we reflect on our recent past, we realize that positive feelings about our City were not always there.

Think back to January of 1994. We inherited a dispirited City.

As the new mayor, I quickly learned that the City had not adopted a balanced budget in over 20 years; had no plan for addressing an aging and crumbling infrastructure; had no ability to manage an economic downturn; had an insolvent parking system and had outdated technology with no plan for improvement. City Hall employees were under siege because of controversies surrounding the early retirement plan. Around the city, signs of stagnation were visible everywhere. There was no new construction, no clear leadership and no vision driving development. Indeed, in 1994, the City was not seen as a partner in progress, but as a roadblock, an obstacle to be overcome.

As we gathered in City Hall that January afternoon, I noticed how neglected and unwelcoming it looked. The fountain was not working, and I was told it had been broken for over 10 years. That fountain was a symbol of the city we inherited – long-neglected, in disrepair.

Today that fountain works and is the center of activities in a vibrant, refurbished lobby. The restoration was led by our creative and innovative Public Service director Lenora Jadun. The project was paid for, not with tax dollars, but the generous contributions of our corporate partners in the

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community – another symbol of our new way of making things happen.

City Council and Lansing citizens, over the last two years, we have begun the process of restoring trust and confidence in City Hall. Our first and most urgent task was to put our financial house in order. And today I am proud to report that our budget is balanced, our economy is strong, and our credit rating improved. In each of my first two years, I have presented and the Council has adopted a balanced budget, and together we will do so again this year!

Last year we created a Budget Stabilization Fund which now totals over $6.8 million dollars. To begin to address our long-neglected infrastructure needs, we have dedicated over $8 million dollars in capital projects for this year. Last year we also successfully restructured our parking system debt.

We rebid our insurance program, which expanded coverage and saved over a quarter million dollars. With the new system that Council authorized, we began to aggressively collect delinquent taxes. City Treasurer Judy Kehler has already substantially surpassed our estimate of $500,000 dollars in collecting delinquent taxes. An agreement with State Treasury officials has resulted in a joint effort to collect thousands of dollars in delinquent parking tickets by intercepting the tax refunds of those who owe the City money.

City Attorney Jim Smiertka developed a new process for drunk driving enforcement that has increased fees while reducing processing time for our police officers. Our new ambulance fee has preserved ambulance services and produced over $1 million dollars in annual revenues by billing insurance companies.

Parks and Recreation Director, Eric Reickel, and the Parks Board successfully led the effort to renew the park millage, assuring over $1.5 million dollars annually for our wonderful park system. I would like to thank the citizens of Lansing for their continued support for the capital improvements of our wonderful park system. Most recently, we have stepped up to the challenge - ignored by prior administrations - of financing the unfunded federal mandate to separate our storm and sanitary sewers, and eliminate the dumping of raw sewage into the Grand and Red Cedar Rivers. While no one likes to pay additional fees, this plan is fair and will avoid the costs of federal fines, and assure the benefits of clean water to our children and grandchildren. Additionally, we have stepped forward to improve and maintain the buildings, roads and infrastructure.

We also took the important step of opening the budget process to Council members and the public. These improved financial management practices have allowed us to achieve our funding, policy and program goals without raising taxes! And our hard work and effort to restore fiscal integrity to the City did not go unnoticed. Finance Director Bob Swanson and I visited Wall Street last spring and returned with an enhanced credit rating for the City.

Employee morale continues to be a high priority for me. We have undertaken a Quality Improvement Process which brings the rank and file employees into the decision making. We have initiated diversity training and established joint labor-management recruitment programs to ensure that our workforce reflects the cultural diversity of this community. We have expanded employee training, purchased new computers, enhanced technology and filled vacancies. Through the leadership of Sharon Bommarito, our Personnel Department has become more proactive with problem- solving teams working in all our departments. City Assessor David Tijerina has developed a new computerized assessment program for property in the City. City Clerk, Marilynn Slade, has made voting easier with a new optical scan ballot. And most importantly, we have successfully negotiated long-term labor agreements with eight of nine bargaining units representing City employees and are close on the ninth – agreements that are fair to our employees and to the people of Lansing.

While improving morale at City Hall is important, we also moved to strengthen and enhance the quality of life in our neighborhoods.

Our Planning and Neighborhood Development Department has provided over $2 million in loans and grants and leveraged an additional $2 million to refurbish over 175 residential units. We have weatherized over 260 homes, provided downpayment assistance to 70 first time homeowners, worked to rebuild and revitalize the seven block neighborhood and the work will continue on the plan to build six new homes on Genesee Street.

We have funded 35 neighborhood clean-ups, provided mini-grants for neighborhood projects, expanded the Neighborhoods-N-Bloom program and supported the Neighborhood Council and over 30 neighborhood organizations.

We have supported a city-wide housing fair, housing counseling, a homebuyers club, mortgage fairs, the annual paint blitz and the trolley tour of neighborhoods.

We are expanding our code enforcement capabilities through the civil infraction ordinance, neighborhood sweeps, the COPPER program, the LAND program and new technology.

A symbol of our commitment to neighborhoods and families is Project PLAY. We pledged to build 65 new playgrounds around the city partnering with the

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Lansing School District, have already funded or installed 40 new playgrounds. Through the Neighborhood Youth and Parent Prevention Partnership, a grass roots substance abuse prevention effort, we have supported and empowered neighborhood coalitions in their efforts to fight against drugs. Under the leadership of Art Walker and the Human Relations and Community Services Department, we are funding 12 new youth oriented programs.

These programs are designed to target high risk children in afterschool settings. My Advisory Committee on Youth and Families, led by my wife Christine Fedewa, was able to supplement these efforts by helping to obtain a $200,000 dollar federal grant for afterschool programs in the Willow and Baker Street neighborhoods. The Mayor's Drug Free Youth Task Force, led by Bob Varner of the UAW, has raised over $10,000 for distribution to Lansing school teachers to implement innovative programs.

We vigorously enforced the summer curfew and have arranged for follow-up counseling and other services for the youth and families involved. We partnered with Ingham County on a Youth Violence Prevention Coalition and were awarded $60,000 dollars to implement a two-year pilot program to create safer schools through conflict resolution programs, peer mediation and parental involvement.

We expanded our summer kids camps to 24. We began moving a portable inline skating rink around the city. We extended our swimming pool season, expanded our concerts in the parks, began a City-County summer camp program at Grand River Park and joined with Lansing Community College to create drama camps. We initiated a Spring Fling to entertain area students during spring vacation, as well as began a downtown Halloween party and New Years Eve teen dance. All of these activities demonstrate that families are our top priority and show youth that we care and want to invest in fun and safe things to do.

A city cannot be safe and secure without a professional, proactive and engaged police and fire department. Under the leadership of Chief Jerry Boles, we have enhanced and expanded community policing in our neighborhoods. We continue to move toward a more community-based, neighborhood-centered police department and have leased a facility for the South Precinct at Cedar and Holmes. That facility will open soon, with the North precinct scheduled to open later this year.

Our Landlord and Neighborhood Development Program has been expanded to cover 16 neighborhoods. The coordinator of the L.A.N.D. Project, Priscilla Holmes and other community leaders helped develop the Civil Infractions Ordinance that you, members of the Council, are now considering. The ordinance seeks to create new, more effective and less costly tools to deal with problem landlords. I urge its adoption!

Our P.A.L. and D.A.R.E. programs continue to be the center piece of our proactive school involvement by Lansing Police Officers. We are seeking grant monies to expand our community police and mulit-agency network centers so they cover all quadrants of the city by the end of this year.

The Fire Department under the leadership of Chief Henderson Bodiford has had an extraordinarily productive year. During his tenure he has successfully initiated:

*The addition of 12 firefighters, bringing that staff to full strength.

*Settlement of a new three year contract.

*Funding for new computers in all the fire stations and a new fire truck.

*Completion of a comprehensive station utilization study which will be a catalyst for future change and progress. Chief, please stand and be recognized for your 26 years of distinguished service to this community. Our firefighters are our unsung heroes, on the frontline saving lives everyday and they, too should be applauded.

People's confidence in our safe and secure city can be measured by the participation in our various festivals and downtown activities. Over the last two years, our Memorial Day Parade, 4th of July Celebration, Riverfest, Octoberfest, Car Shows, Halloween Party, Silver Bells and the new FestEve have been well attended and safe. The Potter Park Zoological Society continues to promote the zoo through activities such as Boo at the Zoo and Wonderland of Lights. Each year, participation and enthusiasm for these events grows.

Unfortunately, some of our senior citizens cannot leave their home at all. And we must be concerned with the needs of our seniors. The "Meals on Wheels" program delivers hot meals to homebound seniors, but cannot keep up with the growing demand for help. The City has committed funding for a new kitchen. The new kitchen will cost $1.5 million dollars. Most of it will come from private contributions.

Tonight, I am proud to announce that the Kresge Foundation has committed a $250,000 dollar grant to the new Meals-on-Wheels campaign.

So please. Call the Meals on Wheels hotline at 393-FOOD or send your contribution TODAY to the Tri-County Office on Aging.

Enthusiasm grows because our community is growing. We currently have over $125 million dollars in new construction in progress, all started in the last two years. It is fun to watch the new Cooley Law School Administration Office Building and the MUCC

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Building under construction. Who cannot be excited about the revitalization of Old Town, the City Market, the new Riverfront Park or the Seven Block Area?

The Transportation Center is just one example of our progress in regional cooperation. We currently have implemented a major recycling agreement with East Lansing, a small business incubator with the Lansing Regional Chamber of Commerce and Michigan State University and have established a Mid-Michigan Regional Water Authority.

No single event or activity in the last year can match the importance or symbolism of the groundbreaking at Oldsmobile Park. Surrounded by Governor John Engler, M.S.U. President Peter McPherson, bankers, union officials, Councilmembers, Bingham Elementary School children, and people from around the region, I could not help but feel excited and proud of this new project. I was also mindful of some of the skepticism which greeted the initial announcement that minor league baseball was coming to Lansing. You will:

*Never get a long-term lease with a team.
*Never get the stadium to fit in a downtown location.
*Never be able to overcome the environmental cost.
*Never get local banks to help finance it.
*Never get the unions to agree not to strike.
*Never get a million dollars from any local business to name the stadium.
*Never get Michigan State University to play downtown.

If I had focused on those comments, the efforts to build the stadium would have been paralyzed. These were real issues, causing real doubts and based on the past performance of City Hall, these doubts seemed justified. But the people who gathered to do the ground breaking made it clear – we are not prisoners of the past! Working together the people of Lansing are making it happen!

*Tom Dickson and the Lugnuts came to town and signed a 15 year lease with the City. Tom shares our vision and took personal responsibility.

*Eric Piper, our architect from HNTB, designed a unique stadium which fits the downtown site. Eric shares our vision and took personal responsibility.

*Governor John Engler and State officials helped to pay the cost of environmental clean up, road repairs and provided TIFA funding for the stadium. The governor shares our vision and took personal responsibility.

*Rich Ruis and Doug Barcey of First of America Bank assembled a coalition of six local banks to finance the stadium. They share our vision and took personal responsibility.

*Tim Nichols and Sam Bono of the Building Trades Council and major labor unions entered into a project agreement assuring They share our vision and took personal responsibility.

*John Rock and Oldsmobile agreed to pay the City $1.5 millon for the naming rights to Oldsmobile Park. John shares our vision and took personal responsibility.

*M.S.U. President Peter McPherson and Athletic Director Merritt Norvell signed an agreement to play at Oldsmobile Park. They share our vision and took personal responsibility.

*The relentless efforts of Planning Director Dennis Sykes along with Ken Lawless, Gerald Boerner and Harry Schmidt of Clark Construction have ensured that the stadium will open on time. They share our vision and took personal responsibility.

*Finance Director Bob Swanson developed a plan to finance and operate Oldsmobile Park without using any general fund tax dollars. Bob shares our vision and took personal responsibility.

*We are building a state of the art, handicapper accessible, multi-use stadium that this City can be proud of. People sharing our vision and taking responsibility is the key.

We wanted people to be a part of this new stadium. So we worked with the Capital Region Community Foundation to establish an inexpensive Buy-A-Brick program. Kids, stand up and show the crowd some of the bricks which will soon be in the stadium walkway.

It is my pleasure to announce that we have sold more than 4,200 bricks!

At the main entrance to the stadium will be a life-sized version of this bronze sculpture "The Natural" created by world-renowned artist Gary Price. Kids, unveil the sculpture! This work is a tribute to our young people and represents hope and opportunity for our future.

I would like all the people who have participated in the stadium including all of you who have purchased a brick, to please stand and be recognized.

Take a look Lansing – we are making it happen! This city is being transformed. The skyline is changing. We can now shed the past and focus on the future with confidence because we do have the vision, the partners, the resources and the brain power to make it happen! We have accomplished much in two years, but we still have a long way to go.

Let us focus for a minute on our future agenda and the challenges ahead.

1. Crime/Neighborhoods: Working together with neighborhood associations, churches, service clubs, neighborhood watch organizations and

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involved citizens, we have become a national model for our community police program. Moving our police operations and services closer to the community continues to be our top priority. While decentralization will be operationalized this year, the school based network centers remain the centerpiece of our strategy. To that end we will establish a network center in each quadrant of the city by the end of 1996.

I will be recommending ways to blend other City functions into our Police Precinct facilities. To assure success, resources will have to be identified and allocated to our neighborhood response teams, and other neighborhood problem solving efforts. It is my goal to move all city services closer to the community, to make each department more accessible, accountable and user friendly and to build more and stronger partnerships between citizens and their government.

2. Families, Youth & Quality of Life: The heart and soul of this city, the one thing that separates us from so many other cities is the strength, diversity and perseverance of our neighborhoods. Made up of caring, committed and giving people, each neighborhood has its own identity and place in the city. We will continue to strengthen our responsiveness to community and neighborhood needs. We will provide support for housing rehabilitation, encourage home ownerships programs, assist neighborhood organizations and work with Council to address the problem of abandoned and boarded up buildings.

In order to strengthen families, I am asking the community to join in an innovative new program called Project Parent. Project Parent is a community-wide public awareness campaign to encourage businesses, congregations, civic organizations, unions and local governments to initiate at least one family-friendly activity each year.

I am asking these organizations to join me in making families a higher priority and to share their programs with others in the community. I am encouraged that the Lansing State Journal has agreed to feature these initiatives periodically. People taking responsibility is the key.

As we approach the budget, we must give priority to programs that assist our youth and give them constructive, developmental, academic and athletic outlets. We must not lose our youth to gangs. We must show them that we love them and care about their futures.

We must seek out new partners to maximize our resources and I urge Council to adopt the Boys and Girls Club capital plan that would create a community center on the Southside in an innovative, mutually beneficial facility and program.

I am asking the Parks and Recreation Department to continue their efforts to assure that Lansing is graffiti free. We have provided a graffiti blaster and a graffiti hotline, but you must take personal responsibility and help. When you see graffiti call the hotline at 483-GANG.

I am asking Art Walker and Eric Reickel to establish a youth commission that will involve young people as advisors to City programs and efforts. They will also work with Councilmember Sandy Allen on her Youth In Government Initiative.

I am asking Marc Corey, coordinator of the Greater Lansing Health Collaborative, to redouble his efforts to create a school-to-work health career program for the start of the next school year.

I am asking my Executive Assistant David Wiener, to work with our Milbank Foundation grant project to seek regional solutions to our shared problems of crime, drugs, youth violence and urban stress. Specifically, I am requesting that the Milbank Advisory Group, in collaboration with our network of youth, family and health projects, quantify the amount of lost productivity caused by youth on youth violence and recommend community wide strategies to reduce the causes of violence.

Finally, I have requested that every department make neighborhoods and families a major focus this year. We need to explore any program, pursue any idea, consider any option that strengthens our families and gives purpose and hope to our young people.

3. Economic Development: 1996 promises to be an exciting year as many projects initiated over the last two years come on line.

In April, we will see the Stadium and the Riverfront Park become the center piece of our entertainment District. 1996 will also witness the beginning of the Lansing Entertainment and Public Facilities Authority (MEGA) which will take charge of the Stadium, the Lansing Center and the City Market. This new authority must run and promote these facilities on a business like basis, and we must provide them with the resources and support required to ensure success.

The new Venture Center, our small business incubator, will open in 1996.

I will soon be announcing a new Micro Enterprise loan fund targeted at small entrepreneurs who have an idea and want to invest in Lansing.

Our new Urban Consortium project gives us the opportunity to develop energy conservation measures into economic development initiatives.

In February, a regional economic forum will do an assessment of our economic strengths and weaknesses and develop a plan for economic growth in our region.

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In 1996, we must focus our energies on completing the CATA Transportation Center, the M.U.C.C. Office Building and the stadium, on time and on budget. We must bring closure on the Hall of Courts. Let's build it or drop it!

A major new initiative for 1996, is the Ottawa Street Power Plant project. We need to work with our partners in the region to see that it becomes a reality.

While it is important to follow through on these projects, one must always look ahead and be innovative. We must be mindful that 1997 is the 100th birthday of Oldsmobile and the eyes of the entire nation will focus on Lansing. We must collaborate with all our regional partners to highlight our world class status.

4. Ethics, Openness and Reinvesting in Government: Finally, we must be ever mindful that as public servants, we have a high standard to meet. The buck stops with us! Our behavior, our words and our actions set the tone for the entire community. I welcome the new format for Council. It is my hope that we can engage in helpful, probing and clarifying dialogue that enlightens and enriches each of us.

I pledge to each of you that I will continue to be inclusive, to consult and discuss ideas, to listen and consider your proposals and to set a tone of collaboration and partnership. I urge the new leadership to continue our weekly Monday lunch meetings that allow us to discuss the issues of the day in an informal environment.

I ask that you join me and the Cabinet in an early Spring work retreat to explore ways that we can more effectively communicate and interact.

My fellow citizens: We share the same goals. We all want this to be a clean, healthy and safe community. We can all help that become a reality by each one of us taking personal responsibility. We can each pick up litter, shovel a walk, aid a troubled youth, adopt a family friendly policy, volunteer to be a mentor in the Lansing School District's H.O.S.T. program and take care of ourselves with healthy lifestyles and most importantly smile and be friendly.

Whenever we get the urge to be negative, or blame or look to the past, let each one of us stop, reflect and commit ourselves to a new way of doing business, one that focuses on the future, builds partnerships, shares responsibility and is based on personal empowerment.

Whenever we confront a problem, let us ask ourselves, "What am I personally doing to solve this problem?" If we approach 1996 in this spirit, with that kind of personal commitment, I am convinced that we will reach our individual and community goals.

President Jones, City Councilmembers and Citizens, as we enter 1996, the state of our City is strong and growing. Our economy is sound. Our people are proud and committed. All of us, the people of Lansing, working together, can continue to make this a world class city. All of us, the people of Lansing, working together, are making it happen!

President Jones recessed this session of Lansing City Council at 7:40 P.M. and reconvened it at 7:55 P.M.

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter from Jennifer Lauritzen of 2810 S. Washington Ave. requesting denial of Z-18-95

2. From Councilmember Benavides; Printed Proceedings from the meeting of January 16, 1996 for approval

3. From Councilmember Benavides; a resolution appointing Councilmember Paul Novak to the Economic Development Corporation Board of Trustees

4. From Councilmember Bauer; a letter from Robert K. Aldrich, Chair of the Lansing Board of Education Policy Committee regarding the formation of a District Library

PUBLIC COMMENT

Gerald Graves of 1603 S. Genesee Dr. spoke regarding his letters on tonight's agenda containing a complaint about the methodology of and containing an appeal of his bill for the Stormwater Enterprise Fund. He requested information regarding the largest and smallest properties that are on record in his category and their locations. He asked how much has to be raised each year for the 30 year period and what the actual cost of the sewers is.

Lloyd Teets of 116 E. Elm St. compared Mayor Hollister's State of the City Address to cotton candy. Lansing, he said, is not a city that people want to move into, live in or pay taxes in. The schools are no better than they were 3 years ago and our financial health is no better than 3 years ago. He accused Mayor Hollister of abandoning the people who supported his election three years ago. He spoke regarding his letter requesting a true copy of the settlement in the Lazar v City of Lansing lawsuit.

Paul Scott of 412 W. Kilborn said that the proposed amendment to the Ethics Ordinance is not comprehensive enough in several different areas; there are not enough provisions to penalize

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someone who violates confidentiality rules. He does not believe that the City can request information regarding mortgaged value of residential property. There are no provisions prohibiting former city employees from acting as lobbyists on behalf of the city for a year following the conclusion of their employment with the City. It does not adequately address the issue of an appearance of a conflict of interest. He suggested that the financial disclosure requirements be lowered, as employees at lower salary levels are more susceptible to bribery and fraud.

Oliver Berryhill of 322 Carrier St. reported a problem that he has been trying to get the City to take care of for the last 8-10 years. They have a drainage problem and water stands on their property year-round. Now he is being billed a Stormwater fee and feels it is unfair when he has been trying to get the City to deal with the situation for so long.

Robert Bennett of 222 W. Saginaw stated a complaint regarding the non-residency of several of the appointees recommended by Mayor Hollister to the Lansing Entertainment Public Facilities Authority (LEPFA). He requested that Council investigate the appearance of a Conflict of Interest by Dennis Sykes on this Board.

Robert Aldrich, Secretary of the Lansing Board of Education, and a member of the South Side Community Center Committee, said that the Citizens of Lansing deserve a full hearing on all of the South Side Community Center issues.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Carol Wood of 1018 W. Lapeer, a member of the Genesee Neighborhood Association and Neighborhood Watch 120 regarding their concern over the Lansing School District sending Alternative Education Students to the Black Child and Family Institute

REFERRED TO THE MAYOR AND THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

B. Notice from the State of Michigan Department of Social Services of the Closing of an Adult Foster Care Family Home licensed to Nancy Stroupe under the name of Community Involvement Jenison at 738 N. Jenison St.

REFERRED TO THE MAYOR

C. Letter from the State of Michigan Department of Transportation regarding certification of Inspection Personnel

REFERRED TO THE MAYOR

D. Letter from Gerald W. Graves of 1623 S. Genessee Dr. protesting the Stormwater Billing Statement and the estimated EHA used to determine the amount of his bill

REFERRED TO THE MAYOR

E. Letter from Ameritech notifying the City of Lansing that they have registered their pay phone services with the Michigan Public Service Commission in accordance with the Michigan Telecommunications Act (1995PA 216, MCL 484.2101 et seq.)

RECEIVED AND PLACED ON FILE

F. Letter from Lloyd R. Teets of 116 E. Elm St. submitting a Freedom of Information Act Request to receive a True Copy of Lazar vs City of Lansing Settlement Agreement

REFERRED TO THE CITY ATTORNEY

G. Letter from James M. Panetta of 707 Seymour protesting the Stormwater billing and suggesting a County Road Tax to replace the Stormwater Enterprise Fund

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister had no comments at this time.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letter from the City Attorney regarding James E. Harken v City of Lansing, Mayor David Hollister and Lansing City Council

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Public Improvement I, and Public Improvement II, Sidewalk Repair on Grand Ave. and Hillsdale, and on Capitol Ave. and Shiawassee St.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

2/ Public Improvement I, and Public Improvement II,

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1996 Sidewalk Repair Contract; P.S. 01020

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3/ Trash Violation Fee (v-32) - $3,215.71

RECEIVED AND PLACED ON FILE

4/ Sale of Vacant Property; Leslie St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5/ Acquisition of Property and Removal of Structure 1100 W. Ionia

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6/ Transfer of Funds: Parks and Recreation

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ Letter to Joel Ferguson regarding the Purchase of the Grand/Kalamazoo Triangle Property

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

COMMITTEE REPORTS

RESOLUTION #016

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend the City Code by amending Chapter 294, Sections 294.02 and 294.03, for the purpose of including collectively bargained changes and IRS required changes to the Police and Fire Retirement System provisions,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #017
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for a City license, which has been routinely processed without objection and is ready for final action by this Council; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application for a City license:

Class B Wrecker Service: Kevin Spayde, dba American Towing Inc.
15890 N. US 27 Hwy

By Councilmember Jones

Carried unanimously

ORDINANCES FOR PASSAGE

By COUNCILMEMBER BEAL

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES By AMENDING CHAPTER 294, SECTIONS 294.02 AND 294.03 OF THE CODE OF ORDINANCES, CITY OF LANSING, PROVIDING FOR AN INCREASE IN THE MINIMUM ANNUAL BENEFIT OF A MEMBER OF THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM AND HIS OR HER SURVIVING SPOUSE; TO PROVIDE FOR ANNUAL CUMULATIVE INCREASES; TO CHANGE THE DEFINITION OF "MEMBER"; AND, TO INCLUDE OTHER COLLECTIVELY BARGAINED AND I.R.S. REQUIRED CHANGES TO RETIREMENT SYSTEM PROVISIONS, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 294, SECTIONS 294.02 AND 294.03 OF THE CODE OF ORDINANCES, CITY OF LANSING, PROVIDING FOR AN INCREASE IN THE MINIMUM ANNUAL BENEFIT OF A MEMBER OF THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM AND HIS OR HER SURVIVING SPOUSE; TO PROVIDE FOR ANNUAL CUMULATIVE INCREASES; TO CHANGE THE DEFINITION OF "MEMBER"; AND, TO INCLUDE OTHER COLLECTIVELY BARGAINED AND I.R.S. REQUIRED CHANGES TO RETIREMENT SYSTEM PROVISIONS, BE NOW PASSED.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

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ABSENT:

By Councilmember Beal

That this ordinance, being necessary for the immediate preservation of the public peace, health, or, safety shall take effect upon it's passage

Carried unanimously

ORDINANCE NO. 927

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 294, SECTIONS 294.02 AND 294.03, FOR THE PURPOSE OF PROVIDING FOR AN INCREASE IN THE MINIMUM ANNUAL BENEFIT OF A MEMBER OF THE POLICEMEN AND FIREMEN RETIREMENT SYSTEM AND HIS OR HER SURVIVING SPOUSE; PROVIDE FOR ANNUAL CUMULATIVE INCREASES; CHANGE THE DEFINITION OF "MEMBER"; AND, INCLUDE OTHER COLLECTIVELY BARGAINED AND I.R.S. REQUIRED CHANGES TO RETIREMENT SYSTEM PROVISIONS.

The City of Lansing ordains:

Section 1. That Chapter 294, Sections 294.02 and 294.03, of the Code of Ordinances of the City of Lansing, Michigan be amended to be read as follows:

294.02 PENSIONS.

(a) Definitions. As used in this section, unless a different meaning is clearly required by the context:

(1) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his or her individual account in the employees' savings fund, together with regular interest thereon.

(2) "Beneficiary" means any person, except a retirant, who is in receipt of, or who is designated to receive, a retirement allowance or other benefit payable by the retirement system.

(3) "Board of Trustees" or "Board" means the Board of Trustees provided for in this section.

(4) "Credited service" means the sum of a member's prior service credit and his or her membership service credit.

(5) "Final average compensation" means the monthly average of the compensation paid a member during the period of the twenty-four highest consecutive months of his or her credited service immediately preceding the date his or her employment by the City as a policeman or fireman last terminates. If he or she has less than twenty-four months of credited service, his or her final average compensation shall be the monthly average of the compensation paid him or her for his or her total period of credited service.

(6) "Final compensation" means a member's monthly rate of compensation at the time his or her employment by the City as a policeman or fireman last terminates.

(7) "Fireman" means a permanent employee in the Fire Department who holds the rank of firefighter or higher rank and who has taken the oath required in Section 4-303.4 of the City Charter. "Fireman" does not include the civilian employees in the Department.

(8) "Member" means any person who is included in the membership of the retirement system WHETHER OR NOT SUCH PERSON WAS REPRESENTED BY A COLLECTIVE BARGAINING UNIT UPON THE EFFECTIVE DATE OF HIS OR HER RETIREMENT.

(9) "Membership service" means service rendered after December 31, 1943, to the extent credited a member by the Board of Trustees.

(10) "New member" means any member who first entered the employ of the City as a policeman or fireman after December 31, 1943.

(11) "Original member" means any member who was in the employ of the City before January 1, 1944.

(12) "Policeman" means a permanent employee in the Police Department who holds the rank of patrolman or higher rank and who has taken the oath required in Section 4-307.4 of the City Charter, but it shall not include the civilian employees in the Police Department.

(13) "Prior service" means service rendered prior to January 1, 1944, to the extent credited a member by the Board of Trustees.

(14) "Regular interest" means such rate or rates of interest per annum, compounded annually, as the Board of Trustees shall from time to time adopt, subject to the approval of Council.

(15) "Retirant" means a member who retires with a retirement allowance payable by the retirement system.

(16) "Retirement allowance" means a monthly amount payable throughout the future life of a person, or for a temporary period, as provided in this section.

(17) "Retirement allowance reserve" means the present value of all payments to be made on account of any retirement allowance. The retirement allowance reserve shall be computed upon the basis of such mortality and other tables of experience, and regular interest, as the Board of Trustees shall from time to time adopt.

(18) "Service" means personal service rendered as a policeman or fireman in the employ of the City and paid for by the City.

(19) The masculine gender shall include the feminine and the plural form shall include the singular.

(b) Establishment of System. The City of Lansing policemen and firemen retirement system, hereinafter called the retirement system, is hereby established for the purpose of providing retirement allowances for policemen and firemen of the City and certain death benefits for their dependents, as provided in this section.

(c) Board of Trustees.

(1) Establishment. There is hereby established a Board of Trustees in whom is vested the general

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ADMINISTRATION, MANAGEMENT AND RESPONSIBILITY FOR THE PROPER OPERATION OF THE RETIREMENT SYSTEM AND FOR CONSTRUING AND MAKING EFFECTIVE THE PROVISIONS OF THIS SECTION.

(2) MEMBERSHIP. THE BOARD SHALL CONSIST OF EIGHT TRUSTEES, ALL OF WHOM ARE VOTING MEMBERS AS FOLLOWS:

A. THE MAYOR, EX-OFFICIO;

B. A MEMBER OF COUNCIL TO BE SELECTED BY COUNCIL AND TO SERVE AT THE PLEASURE OF COUNCIL;

C. THE CITY TREASURER, EX-OFFICIO;

D. A RESIDENT OF THE CITY, WHO SHALL BE APPOINTED BY THE MAYOR, BY AND WITH THE CONSENT OF COUNCIL, WHICH CITIZEN IS A DULY QUALIFIED ELECTOR AND A FREEHOLDER OF THE CITY AND WHO IS NEITHER AN EMPLOYEE OF THE CITY NOR ELIGIBLE TO RECEIVE BENEFITS UNDER THIS SECTION;

E. TWO MEMBERS OF THE POLICE DEPARTMENT, TO BE ELECTED BY ALL THE MEMBERS OF SUCH DEPARTMENT; AND

F. TWO MEMBERS OF THE FIRE DEPARTMENT, TO BE ELECTED BY ALL THE MEMBERS OF SUCH DEPARTMENT.

THE ELECTIONS OF THE POLICEMEN AND FIREMEN BOARD MEMBERS SHALL BE HELD UNDER SUCH RULES AND REGULATIONS AS THE BOARD SHALL FROM TIME TO TIME ADOPT.

(3) TERM AND OATH OF OFFICE. AT THE FIRST ELECTION OF TRUSTEES, THE APPOINTED RESIDENT TRUSTEE SHALL SERVE FIVE YEARS; THE POLICEMAN MEMBER WITH THE GREATEST NUMBER OF VOTES SHALL SERVE FOUR YEARS; THE POLICEMAN MEMBER WITH THE NEXT GREATEST NUMBER OF VOTES SHALL SERVE TWO YEARS; THE FIREMAN MEMBER WITH THE GREATEST NUMBER OF VOTES SHALL SERVE THREE YEARS; AND THE FIREMAN MEMBER WITH THE NEXT GREATEST NUMBER OF VOTES SHALL SERVE ONE YEAR.

AFTER THE FIRST ELECTION OF TRUSTEES, THE REGULAR TERM OF A POLICEMAN OR FIREMAN MEMBER TRUSTEE AND THE APPOINTED RESIDENT TRUSTEE SHALL B FIVE YEARS.

EACH TRUSTEE SHALL, WITHIN TEN DAYS AFTER HIS OR HER APPOINTMENT OR ELECTION, TAKE AN OATH OF OFFICE TO BE ADMINISTERED BY THE CITY CLERK.

(4) VACANCIES. IF A MEMBER TRUSTEE OR THE APPOINTED RESIDENT TRUSTEE FAILS TO ATTEND THREE CONSECUTIVE MEETINGS OF THE BOARD, UNLESS IN EACH CASE EXCUSED FOR CAUSE BY THE REMAINING TRUSTEES ATTENDING SUCH MEETINGS, OR IN THE EVENT A MEMBER TRUSTEE LEAVES THE EMPLOY OF THE CITY, HE OR SHE SHALL BE CONSIDERED TO HAVE RESIGNED FROM THE BOARD AND THE BOARD SHALL, BY RESOLUTION, DECLARE HIS OR HER OFFICE OF TRUSTEE VACATED AS OF THE DATE OF ADOPTION OF SUCH RESOLUTION. IF A VACANCY OCCURS IN THE OFFICE OF TRUSTEE, THE VACANCY SHALL BE FILLED WITHIN SIXTY DAYS FROM AND AFTER THE DATE OF THE VACANCY, FOR THE UNEXPIRED PORTION OF THE TERM, IN THE SAME MANNER AS THE OFFICE WAS PREVIOUSLY FILLED.

(5) VOTING; QUORUM. EACH TRUSTEE SHALL BE ENTITLED TO ONE VOTE ON EACH QUESTION BEFORE THE BOARD IN ITS MEETINGS. A MAJORITY OF CONCURRING VOTES SHALL BE NECESSARY FOR A DECISION BY THE TRUSTEES AT ANY MEETING OF THE BOARD. FIVE TRUSTEES SHALL CONSTITUTE A QUORUM AT ANY MEETING OF THE BOARD.

(6) OFFICERS; MEETINGS; COMPENSATION. THE BOARD SHALL ELECT FROM ITS OWN NUMBER A CHAIRMAN AND A VICE CHAIRMAN. THE BOARD SHALL HOLD MEETINGS REGULARLY, AT LEAST MONTHLY, AND SHALL DESIGNATE THE TIME AND PLACE THEREOF. IT SHALL ADOPT ITS OWN RULES OF PROCEDURE AND SHALL KEEP A RECORD OF ITS PROCEEDINGS. ALL MEETINGS OF THE BOARD SHALL BE PUBLIC. THE TRUSTEES SHALL SERVE WITHOUT ADDITIONAL COMPENSATION FOR THEIR SERVICES AS TRUSTEES.

(D) OFFICERS. THE OFFICERS OF THE RETIREMENT SYSTEM SHALL BE AS FOLLOWS:

(1) THE DIRECTOR OF FINANCE SHALL BE THE SECRETARY TO THE BOARD OF TRUSTEES, AND HE OR SHE SHALL SERVE AS THE ADMINISTRATIVE OFFICER OF THE RETIREMENT SYSTEM.

(2) THE CITY TREASURER SHALL BE TREASURER OF THE RETIREMENT SYSTEM, AND HE OR SHE SHALL BE THE CUSTODIAN OF ITS FUNDS.

(3) THE CITY ATTORNEY SHALL BE THE LEGAL ADVISOR TO THE BOARD.

(4) THE BOARD SHALL APPOINT AN ACTUARY WHO SHALL BE THE TECHNICAL ADVISOR TO THE BOARD ON MATTERS REGARDING THE OPERATION OF THE RETIREMENT SYSTEM, AND SUCH ACTUARY SHALL PERFORM SUCH OTHER DUTIES AS ARE REQUIRED OF HIM OR HER UNDER THIS SECTION.

(5) THE BOARD SHALL APPOINT AS MEDICAL DIRECTOR A PHYSICIAN WHO IS NOT ELIGIBLE TO PARTICIPATE IN THE RETIREMENT SYSTEM AS A MEMBER, RETIRANT OR BENEFICIARY. THE MEDICAL DIRECTOR SHALL BE DIRECTLY RESPONSIBLE TO AND SHALL HOLD OFFICE AT THE PLEASURE OF THE BOARD. HE OR SHE SHALL ARRANGE FOR AND PASS UPON ALL MEDICAL EXAMINATIONS REQUIRED UNDER THIS SECTION, INVESTIGATE ALL ESSENTIAL STATEMENTS OF A MEDICAL NATURE MADE BY OR ON BEHALF OF A MEMBER OR RETIRANT IN CONNECTION WITH A CLAIM FOR BENEFITS AND REPORT IN WRITING TO THE BOARD HIS OR HER CONCLUSIONS AND RECOMMENDATIONS ON MEDICAL MATTERS REFERRED TO HIM OR HER BY THE BOARD.

(6) NONE OF THE ABOVE SHALL PROHIBIT THE BOARD OF TRUSTEES FROM HIRING PROFESSIONAL SERVICES DEEMED NECESSARY TO FULFILL THEIR FIDUCIARY RESPONSIBILITIES.

(E) ANNUAL REPORT. THE BOARD OF TRUSTEES SHALL ANNUALLY RENDER A REPORT TO THE MAYOR AND COUNCIL, ON OR BEFORE JULY 15, SHOWING THE FISCAL TRANSACTIONS OF THE RETIREMENT SYSTEM FOR THE YEAR ENDED THE PRECEDING DECEMBER 31, THE AMOUNTS OF CASH AND SECURITIES HELD BY THE SYSTEM AND THE LAST BALANCE SHEET SHOWING THE FINANCIAL CONDITION OF THE SYSTEM BY MEANS OF AN ACTUARIAL VALUATION OF ITS ASSETS AND LIABILITIES.

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(F) Mortality and Other Tables. The Board of Trustees shall from time to time adopt such mortality and other tables of experience as the actuary shall from time to time recommend as necessary in the operation of the retirement system on an actuarial basis. The Board shall also from time to time adopt a rate or rates of regular interest, subject to the approval of Council.

(G) Membership.

(1) Employees included. The membership of the retirement system shall consist of all policemen and firemen who were in the employ of the City on January 1, 1944. However, any policeman or fireman who as of January 1, 1944, had twenty-five or more years of prior service credit shall be excluded from membership in the retirement system and shall retain for himself or herself and his or her spouse and children, all rights and privileges previously provided by law, unless on or before January 1, 1944, he or she filed with the Director of Finance (or City Controller) his or her written election to become a member of the retirement system. Such excluded policemen and firemen who did not elect to become members of the retirement system shall, after December 31, 1943, while they remain in the employ of the City as policemen or firemen, pay five percent of their compensation into a police and fire service retirement fund previously provided by law.

All persons who become policemen or firemen after December 31, 1943, shall, from the date of their employment with the City, become members of the retirement system.

The membership of the retirement system shall not include persons who are temporarily employed as a policeman or fireman for an emergency, special officers and special firemen, persons who are privately employed as policemen or firemen or civilian employees in the Police and Fire Departments.

In any case of doubt, the Board of Trustees shall decide who is a member of the retirement system within the meaning of this section.

(2) Termination. Except as otherwise provided in this section, should any member no longer be employed as a policeman or fireman by the City, for any reason except his or her retirement or death, he or she shall thereupon cease to be a member and his or her credited service at that time shall be forfeited by him or her. In the event he or she is re-employed by the City as a policeman or fireman, he or she shall again become a member of the retirement system. If his or her re-employment occurs within a period of four years from and after the date he or she last separated from City employment, his or her credited service last forfeited shall be restored to his or her credit, provided that he or she returns to the employees' savings fund the amount, if any, he or she withdrew therefrom, together with regular interest from the date of withdrawal to the date of repayment. Upon a member's retirement or death, he or she shall thereupon cease to be a member.

(H) Service Credit.

(1) Generally. The Board of Trustees shall determine, by appropriate rules and regulations, the amount of service to be credited any member, but in no case shall less than eleven months of service rendered by a member in any calendar year be credited him or her as a year of service; nor shall more than one year of service be credited any member for all service rendered by him or her in any calendar year.

(2) Military service credit. Should a policeman or fireman, who while employed by the City entered or enters any armed service of the United States Government during time of compulsory military service, such armed service actually required of him or her shall be credited him or her as City service in the same manner as if he or she has served the City uninterruptedly, provided that:

A. He or she returns to the employ of the City within one year from and after termination of such armed service actually required of him or her;

B. He or she returns to the employees' savings fund the amount, if any, he or she withdrew therefrom at the time he or she entered or while in such armed service, together with regular interest from the date of withdrawal to the date of repayment; and

C. In no case shall any member be credited with more than five years of City service for all such armed service rendered by him or her. In case of doubt as to the period of such armed service to be credited, the Board of Trustees shall have final power to determine such period. During the period of a member's armed service in the Federal Government and until his or her return to City employment, his or her contributions to the employees' savings fund shall be suspended and his or her balance standings to his or her credit in such fund shall be accumulated at regular interest.

(3) Additional Military service credit. Police Non-Supervisory and Firefighter members shall be eligible to receive retirement service credit for periods of compulsory or non-compulsory induction into the armed forces of the United States of America as if the employee had served the City during that period, provided that:

A. The employee shall submit a written election to receive military service retirement credit for all or part of the period of military service;

B. The employee requesting military service

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credit shall pay the cost of an actuarial evaluation of the cost of adding such Military service to his or her retirement service credit, performed by the actuary denoted in paragraph (d) (4) hereof. Costs determined by said actuary shall be considered final and binding upon the City, the collective bargaining unit for which the employee is a member, and the affected employee;

C. The employee shall be responsible for the extra cost of adding such military service to his or her retirement service credit. The employee electing to exercise the right to receive military credit shall make full payment for the cost of such service credit no later than sixty(60) days following receipt of the actuarial cost information;

D. In no case shall any member be credited with more than two years of City service for all such armed service rendered by him or her. In case of doubt as to the period of such armed service to be credited, the Board of Trustees shall have final power to determine such period;

E. An employee eligible to receive military service credit as defined in both this subsection and subsection (h)(2) hereof, shall receive such credit first, as described in subsection (h) (2) hereof, and second, as described in this subsection for any remaining credit; and

F. Active military service shall be defined to include periods of voluntary or involuntary induction into the armed forces of the United States of America under the Selective Service Act of 1940, as amended; it shall also include the initial training period required to be a reserve member of the armed forces of the United States of America or the United States National Guard, but shall specifically exclude annual reserve training programs required of reservists or National Guard members.

(l) Voluntary Retirement.

(1) A member may retire upon his or her written application filed with the Board of Trustees setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he or she wishes to be retired, provided that such member is eligible to retire according to paragraphs (l) (2) through (4) hereof. Upon his or her retirement, he or she shall receive a retirement allowance as provided in paragraph (k)(1) hereof.

(2) A new member may retire after he or she has twenty-five or more years of credited service, or after his or her attainment of age fifty-five, regardless of his or her years of credited service.

(3) An original member with less than twenty years of prior service credit may retire at or after his or her attainment of age fifty if he or she has twenty-five or more years of credited service.

(4) An original member with twenty or more years of prior service credit may retire at or after his or her attainment of age forty-five if he or she has twenty-five or more years of credited service.

(j) Compulsory Separation from City Employment. A member shall be separated from City employment the first day of the calendar month next following the month in which he or she attains age sixty seventy if a member of the Fire Department. Upon his or her separation from City employment, he or she shall be retired and shall receive a retirement allowance as provided in paragraph (k)(1) hereof.

(k) Retirement Allowance.

(1) Generally.

A. Upon a Fire Department member's retirement, as provided in this section, he or she shall receive a retirement allowance equal to the sum of 2.95 percent of his or her final average compensation multiplied by the number of years, and fraction of a year, of his or her credited service, not to exceed twenty-five years, plus one percent of his or her final average compensation multiplied by the number of years, and fraction of a year, of his or her credited service which is in excess of twenty-five years.

B. Upon a Police Department members retirement, as provided in this section, he or she shall receive a retirement allowance equal to 2.95 percent of the member's final average compensation multiplied by the number of years, and fraction of the year, of credited service not to exceed 25 years.

C. If a retirant dies before he or she has received in retirement allowance payments an aggregate amount equal to his or her accumulated contributions standing to his or her credit in the employees' savings fund at the time of his or her retirement, the difference between his or her accumulated contributions and the aggregate amount of retirement allowance payments received by him or her shall be paid from the retirement reserve fund to such person or persons as the retirant has nominated by written designation, duly executed and filed with the Board of Trustees. If there is no such designated person or persons surviving the retirant, such difference, if any, shall be paid to the retirant's legal

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representative. No benefits shall be paid under this paragraph on account of the death of a retirant if a retirement allowance becomes payable under paragraphs (k)(3) and (4) hereof on account of his or her death.

(2) Deferred allowance. Should any member, who has ten or more years of credited service, leave the employ of the City before becoming eligible to retire as provided in subsection (l) hereof for any reason except his or her discharge, retirement or death, he or she shall be entitled to a retirement allowance, as provided in paragraph (k)(1) hereof pursuant to its provisions in force at the time he or she left City employment, provided that he or she does not withdraw his or her accumulated contributions from the employees' savings fund. His or her retirement allowance shall begin the first day of the calendar month next following the month in which his or her application for the same is filed with the Board of Trustees on or after his or her attainment of age fifty-five, if he or she is a new member, or age fifty if he or she is an original member.

(3) Retirement Allowance captions for spouse of deceased retirant.

A. A member within (30) days prior to retirement may select one of the following three survivor election options by making an election on a form agreed upon by the collective bargaining unit for which the employee is a member and the City:

Option I: Upon the death of a retirant, who retired on or after the effective date of this revised section (September 1, 1966), his or her widow or widower, who was his or her legally married spouse at the time of his or her retirement, shall receive a retirement allowance equal to one-half of the full retirement allowance he or she was receiving, except as provided in paragraph (k) (3) B. hereof and subject to paragraph (k) (3) C hereof.

Option II: Upon retirement, the retirant shall receive 86% of his or her full retirement allowance as provided in paragraphs (k) (1)A. or (k)(1)B. hereof. Upon the death of the retirant, his or her widow or widower, who was his or her legally married spouse at the time of his or her retirement, shall receive a retirement allowance equal to 86% of the full retirement allowance as provided in paragraphs (k) (1) A. or (k) (1) B. hereof.

B. If a retirant who retired under paragraph (1)(1) hereof dies prior to the earlier of his or her attainment of age fifty-five or the date upon which he or she would have achieved twenty-five years of credited service but for the disability, his or her widow or widower, who was his or her legally married spouse at the time of his or her retirement, shall receive a retirement allowance computed according to paragraph (k)(1) hereof. In computing the retirement allowance, the retirant's credited service shall be increased to include the period he or she was in receipt of a disability retirement allowance provided in paragraph (1)(3) hereof and his or her final average compensation shall be recomputed using the monthly rates of compensation as of the date of his or her death for the rank or ranks held by him or her during the period used in computing his or her final average compensation at the time of his or her retirement. For, Fire Department employees, if the employee incurred the disability while "acting" at a higher rank, the final average compensation of the employee shall be based upon the pay he or she would have received in the "acting" rank for the applicable service period. The widow or widower retirement allowance shall not be less than twenty percent of the retirant's recomputed final average compensation and shall be subject to paragraph (k) (3)C. hereof.

C. No, retirement allowance shall be paid thereunder on account of the death of a retirant if any retirement allowance is paid or payable under subsection (n) hereof on account of his or her death. Any retirement allowance payable under this paragraph shall be subject to subsection (o) hereof.

(4) Allowance for spouse of deceased member. If a member, who has ten or more years of credited service, dies on or after the effective date of this revised section (September 1, 1966) while in the employ of the City, and leaves a widow or widower, the widow or widower shall receive a retirement allowance equal to one-half of the member's accrued retirement allowance computed according to paragraph (k) (1) hereof in the same manner in all respects as if the member had retired the day preceding the date of his or her death, notwithstanding that he or she might not have satisfied the applicable provisions of subsection (l) hereof. However, the widow or widower's retirement allowance shall not be less than twenty percent of the member's final average compensation and shall be subject to subsection (o) hereof. No retirement allowance shall be paid or payable under this paragraph on account of the death of a member if any retirement allowance is paid or payable under subsection (n) hereof on account of his or her death.

(L) Duty Disability.

(1) Generally. Upon the application of a member, or his or her department head, a member who becomes totally incapacitated for duty as the

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natural and proximate result of causes arising out of and in the course of his or her actual performance of duty as a policeman or fireman in the employ of the City, without willful negligence on his or her part, shall be retired, provided that the Medical Director, after a medical examination of the member, certifies to the Board of Trustees that such member is mentally or physically totally incapacitated for the performance of duty to the City as a policeman or fireman and that such incapacity will probably be permanent, and provided, further, that the Board concurs with the report of the Medical Director.

(2) Benefits incurred after meeting voluntary retirement eligibility conditions. Upon a member's retirement after meeting voluntary retirement eligibility conditions as described in paragraph (l) (2) hereof, on account of disability as provided in paragraph (l)(1) hereof, he or she shall receive a retirement allowance as provided in paragraph (k) (1) hereof subject to subsection (o) hereof.

(3) Benefits incurred before meeting voluntary retirement eligibility conditions. Upon a member's retirement before meeting voluntary retirement eligibility conditions as described in paragraph (l) (2) hereof, on account of disability as provided in paragraph (l)(1) hereof, he or she shall receive the following benefits:

A. He or she shall receive a disability retirement allowance equal to two-thirds of his or her final average compensation, subject to subsections (o) and (p) hereof. His or her disability retirement allowance shall begin as of the date of his or her disability, but in no case more than six months before the date his or her application for disability retirement is filed with the Board of Trustees or prior to the date his or her name last appeared on a City payroll with pay, whichever is later. Such allowance shall terminate upon his or her attainment of age fifty-five or if elected the date upon which he or she would have achieved twenty-five years of credited service but for the disability, whichever is earlier.

B. He or she shall receive a retirement allowance computed according to paragraph (k) (1) hereof, upon his or her attainment of age fifty-five or if elected the date upon which he or she would have achieved twenty-five years of credited service but for the disability, whichever is earlier. In computing such retirement allowance, the member's credited service shall be increased to include the period he or she was in receipt of a disability retirement allowance, and his or her final average compensation shall be recomputed using the monthly rates of compensation as of the date he or she attains age fifty-five or an earlier date as provided herein, for the rank or ranks held by him or her during the period used in computing his or her final average compensation at the time of his or her retirement. For Fire Department employees, if the employee incurred the disability while "acting" at a higher rank, the final average compensation of the employee shall be based upon the pay he or she would have received in the "acting" rank for the applicable Service period. Any retirement allowance payable under this paragraph shall be subject to subsection (o) hereof.

C. During the period a retirant is receiving a disability retirement allowance under paragraph (1)(3)A. hereof, his or her balance in the employees' savings fund at the time of his or her retirement shall remain therein and shall be accumulated at the regular interest. Upon attaining age fifty-five or an earlier date as provided under paragraph (1) (3)B. hereof, such accumulated contributions shall be transferred from the employees' savings fund to the retirement reserve fund.

(m) Non-duty Disability.

(1) Generally. Upon the application of a member, or his or her department head on behalf of the member, a member with ten or more years of credited service who becomes totally and permanently incapacitated for duty as a policeman or fireman in the employ of the City, as the result of causes incurred not in the actual performance of duty to the City, may be retired by the Board of Trustees, provided that the Medical Director, after a medical examination of such member, certifies to the Board that such member is mentally or physically totally incapacitated for duty in the employ of the City and that such incapacity will probably be permanent, and provided, further, that the report of the Medical Director is concurred with by the Board.

(2) Benefits incurred after meeting voluntary retirement eligibility conditions. Upon a member's retirement after meeting voluntary retirement eligibility conditions as described in paragraph (l) (2) hereof, on account of disability as provided in paragraph (m)(1) hereof, he or she shall receive a retirement allowance as provided in paragraph (k) (1) hereof, subject to subsection (o) hereof.

(3) Benefits incurred before meeting voluntary retirement eligibility conditions. Upon a member's retirement before meeting voluntary retirement eligibility conditions as described in paragraph (l) (2) hereof, on account of disability as provided in paragraph (m) (1) hereof, he or she shall receive a disability retirement allowance computed according

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TO PARAGRAPH (K) (1) HEREOF. THE MEMBER'S DISABILITY RETIREMENT ALLOWANCE SHALL BEGIN AS OF THE DATE OF HIS OR HER DISABILITY, BUT IN NO CASE MORE THAN SIX MONTHS BEFORE THE DATE HIS OR HER APPLICATION FOR DISABILITY RETIREMENT IS FILED WITH THE BOARD OF TRUSTEES OR PRIOR TO THE DATE HIS OR HER NAME LAST APPEARED ON A CITY PAYROLL WITH PAY, WHICHEVER IS LATER. SUCH DISABILITY RETIREMENT ALLOWANCE SHALL NOT EXCEED TWO-THIRDS OF THE ANNUAL RATE OF COMPENSATION OF EITHER A FULL PAID PATROLMAN OR A FULL PAID FIREFIGHTER AS OF THE EFFECTIVE DATE OF SUCH MEMBER'S RETIREMENT, WHICHEVER RATE IS HIGHER, AND SHALL BE SUBJECT TO SUBSECTIONS (O) AND (P) HEREOF.

(N) DEATH IN LINE OF DUTY.

(1) GENERALLY. IF A MEMBER DIES AS THE RESULT OF A PERSONAL INJURY OR DISEASE ARISING SOLELY AND EXCLUSIVELY OUT OF AND IN THE COURSE OF HIS OR HER EMPLOYMENT BY THE CITY, OR A DISABILITY RETIRANT WHO RETIRED UNDER PARAGRAPH (1) (1) HEREOF DIES PRIOR TO MEETING VOLUNTARY RETIREMENT ELIGIBILITY CONDITIONS AS DESCRIBED IN PARAGRAPH (I)(2) HEREOF, AND WITHIN FIVE YEARS FROM AND AFTER THE DATE OF HIS OR HER RETIREMENT, AND IN EITHER CASE HIS OR HER DEATH, OR INJURY OR DISEASE RESULTING IN DEATH, IS FOUND BY THE BOARD OF TRUSTEES TO HAVE OCCURRED SOLELY AND EXCLUSIVELY AS THE NATURAL AND PROXIMATE RESULT OF HIS OR HER ACTUAL PERFORMANCE OF DUTY IN THE EMPLOY OF THE CITY, THE APPLICABLE BENEFITS PROVIDED IN PARAGRAPHS (N) (2) THROUGH (6) HEREOF SHALL BE PAID, SUBJECT TO PARAGRAPH (N)(7) HEREOF AND SUBSECTION (O) HEREOF.

(2) ACCUMULATED CONTRIBUTIONS. UPON THE DEATH OF A MEMBER, HIS OR HER ACCUMULATED CONTRIBUTIONS STANDING TO HIS OR HER CREDIT IN THE EMPLOYEES' SAVINGS FUND SHALL BE PAID IN ACCORDANCE WITH SUBSECTION (Q) HEREOF.

(3) WIDOW OR WIDOWER'S RETIREMENT ALLOWANCE. A RETIREMENT ALLOWANCE EQUAL TO ONE-THIRD OF THE FINAL COMPENSATION OF THE DECEASED MEMBER SHALL BE PAID TO HIS OR HER WIDOW OR WIDOWER, PROVIDED THAT HIS OR HER WIDOW OR WIDOWER WAS HIS OR HER LEGALLY MARRIED SPOUSE AT THE TIME OF HIS OR HER RETIREMENT IF HIS OR HER RETIREMENT AS PROVIDED IN (1)(1) HEREOF PRECEDED HIS OR HER DEATH. ANY RETIREMENT ALLOWANCE PAYABLE UNDER THIS PARAGRAPH SHALL BE SUBJECT TO PARAGRAPH (N)(7) HEREOF AND SUBSECTION (O) HEREOF.

(4) CHILDREN'S BENEFITS WHILE WIDOW OR WIDOWER IS LIVING. IF, IN ADDITION TO A WIDOW OR WIDOWER, THE DECEASED PERSON LEAVES AN UNMARRIED CHILD OR CHILDREN UNDER AGE TWENTY-ONE, EACH SUCH CHILD SHALL RECEIVE A RETIREMENT ALLOWANCE OF AN EQUAL SHARE OF ONE-QUARTER OF THE DECEASED PERSON'S FINAL COMPENSATION. UPON A CHILD'S ADOPTION, ATTAINMENT OF AGE TWENTY-ONE, MARRIAGE OR DEATH, WHICHEVER OCCURS FIRST, HIS OR HER RETIREMENT ALLOWANCE SHALL TERMINATE AND THE BOARD SHALL REDISTRIBUTE THE SHARES OF ONE-FOURTH OF THE DECEASED PERSON'S FINAL COMPENSATION TO HIS OR HER REMAINING ELIGIBLE CHILDREN UNDER AGE TWENTY-ONE, IF ANY. THE RETIREMENT ALLOWANCES PAYABLE UNDER THIS PARAGRAPH SHALL BE SUBJECT TO PARAGRAPH (N)(7) HEREOF AND SUBSECTION (O) HEREOF.

(5) CHILDREN'S BENEFITS IF WIDOW OR WIDOWER DIES OR REMARRIES. IF THERE IS NO WIDOW OR WIDOWER SURVIVING THE DECEASED PERSON, OR IF THE WIDOW OR WIDOWER DIES, AND THERE IS A SURVIVING UNMARRIED CHILD OR CHILDREN UNDER AGE TWENTY-ONE, EACH SUCH CHILD SHALL RECEIVE A RETIREMENT ALLOWANCE OF ONE-FOURTH OF THE DECEASED PERSON'S FINAL COMPENSATION, PROVIDED THAT IF THERE ARE MORE THAN TWO SUCH SURVIVING CHILDREN, EACH SUCH CHILD SHALL RECEIVE A RETIREMENT ALLOWANCE OF AN EQUAL SHARE OF ONE-HALF OF THE DECEASED PERSON'S FINAL COMPENSATION. UPON A CHILD'S ADOPTION, ATTAINMENT OF AGE TWENTY-ONE, MARRIAGE OR DEATH, WHICHEVER OCCURS FIRST, HIS OR HER RETIREMENT ALLOWANCE SHALL TERMINATE AND THE BOARD SHALL REDISTRIBUTE THE SHARES OF ONE-HALF OF THE DECEASED PERSON'S FINAL COMPENSATION TO HIS OR HER REMAINING ELIGIBLE CHILDREN UNDER AGE TWENTY-ONE. IN NO CASE SHALL ANY SUCH CHILD'S RETIREMENT ALLOWANCE BE MORE THAN ONE-FOURTH OF THE DECEASED PERSON'S FINAL COMPENSATION. THE RETIREMENT ALLOWANCE PAYABLE UNDER THIS PARAGRAPH SHALL BE SUBJECT TO PARAGRAPH (N)(7) HEREOF AND SUBSECTION (O) HEREOF. A WIDOW'S OR WIDOWER'S BENEFIT SHALL CEASE UPON REMARRIAGE FOR ANY PERIOD OF TIME DURING WHICH A CHILD'S BENEFIT EQUAL TO ONE-HALF OF THE DECEASED PERSON'S FINAL COMPENSATION IS BEING PAID.

(6) DEPENDENT PARENTS' BENEFITS. IF THE DECEASED MEMBER DOES NOT LEAVE A WIDOW OR WIDOWER OR CHILDREN ELIGIBLE TO RECEIVE A RETIREMENT ALLOWANCE PROVIDED IN THIS SUBSECTION, THERE SHALL BE PAID TO EACH HIS OR HER DEPENDENT FATHER AND DEPENDENT MOTHER, WHOM THE BOARD, AFTER INVESTIGATION, FINDS TO HAVE BEEN DEPENDENT UPON HIM OR HER FOR AT LEAST FIFTY PERCENT OF THEIR FINANCIAL SUPPORT, A RETIREMENT ALLOWANCE OF ONE-SIXTH OF THE DECEASED PERSON'S FINAL COMPENSATION. IN NO CASE SHALL THE RETIREMENT ALLOWANCE PAYABLE TO EITHER PARENT EXCEED ONE-SIXTH OF THE MONTHLY RATE OF COMPENSATION OF EITHER A FULL PAID POLICEMAN OR FULL PAID FIREMAN, WHICHEVER IS HIGHER, AS OF THE DATE OF THE PERSON'S DEATH. UPON THE REMARRIAGE OR DEATH OF A PARENT, HIS OR HER RETIREMENT ALLOWANCE SHALL TERMINATE. ANY RETIREMENT ALLOWANCES PAYABLE UNDER THIS PARAGRAPH SHALL BE SUBJECT TO SUBSECTION (O) HEREOF.

(7) LIMITATIONS. THE TOTAL OF THE MONTHLY RETIREMENT ALLOWANCES PROVIDED IN PARAGRAPHS (N)(3) THROUGH (5) HEREOF, PAYABLE ON ACCOUNT OF THE DECEASED PERSON, SHALL NOT EXCEED SIXTY PERCENT OF THE MONTHLY RATE OF COMPENSATION OF EITHER A FULL PAID POLICEMAN OR A FULL PAID FIREMAN, WHICHEVER IS HIGHER, AS OF THE DATE OF THE PERSON'S DEATH.

(O) WORKERS' COMPENSATION OFFSET. ANY WORKERS' COMPENSATION PAID OR PAYABLE ON ACCOUNT OF THE DISABILITY OR DEATH OF A MEMBER OR RETIRANT SHALL BE OFFSET AGAINST ANY RETIREMENT ALLOWANCE PAID OR

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payable by the retirement system on account of the same disability or death.

(p) Re-Examination of Disability Retirants.

(1) At least once each year during the first five years following the retirement of a member with a disability retirement allowance, and at least once in every three-year period thereafter, the Board may require any disability retirant, who has not attained age fifty-five years or elected the voluntary retirement eligibility conditions as described in paragraph (l) (2) hereof, to undergo a medical examination by or under the direction of the Medical Director. Should the disability retirant refuse to submit to such medical examination in any such period, his or her disability retirement allowance may be discontinued by the Board. Should such refusal continue for one year, all his or her rights in and to a disability retirement allowance may be revoked by the Board.

(2) If, after a medical examination of a disability retirant, the Medical Director reports to the Board that the disability retirant is physically able and capable of resuming employment with the City as a policeman or fireman, such disability retirant shall be returned to the employ of the City in the rank he or she held at the time of his or her retirement, or higher rank, and his or her disability retirement allowance shall terminate. A disability retirant who returns to City employment shall again become a member of the retirement system and his or her credited service in force at the time of his or her disability retirement shall be restored to his or her credit. He or she shall be given service credit for the period he or she was receiving a disability retirement allowance under paragraph (1)(3) hereof. He or she shall not be given service credit for the period he or she was receiving a disability retirement allowance under paragraph (m)(3) hereof.

(3) If a disability retirant, who has not met retirement conditions as described in paragraph (1)(3)B. hereof, becomes engaged in a gainful occupation, business or employment, and the sum of his or her pay or other remuneration from such occupation, or employment and his or her disability retirement allowance exceeds the current rate of compensation for the last rank held by him or her, his or her disability retirement allowance shall be reduced to an amount which, together with the amount so earned by him or her, shall equal, but not exceed, the current compensation for such rank. Should his or her earnings be later changed, his or her disability retirement allowance shall be adjusted in like manner.

Each disability retirant shall file, at least annually, a statement of earnings on forms furnished by the Board, together with such supporting schedules as may be requested by the Board to establish a basis for determining earnings for operations of this section. The Board may from time to time adopt rules and regulations for defining remuneration for purposes of application of this paragraph. Refusal by a disability retirant to submit required information upon written request of the Board may, at the discretion of the Board, subject the disability retirant to suspension of allowance payments.

(q) Refund of Accumulated Contributions.

(1) Should a member leave the employ of the City before he or she has satisfied the age and service requirements for retirement, as provided in subsection (l) hereof, and is not entitled to a retirement allowance, he or she shall be paid his or her accumulated contributions standing to his or her credit in the employees' savings fund upon his or her demand in writing to the Board of Trustees.

(2) If a member dies before his or her retirement becomes effective and no retirement allowance becomes payable on account of his or her death, except as provided in subsection (n) hereof, his or her accumulated contributions standing to his or her credit in the employees' savings fund, at the time of his or her death, shall be paid to such person as he or she shall have nominated by written designation duly executed and filed with the Board. If there is no such person surviving the deceased member, his or her accumulated contributions shall be paid to his or her legal representative.

(3) Payment of refunds of accumulated contributions may be made in installments according to such rules and regulations as the Board may from time to time adopt.

(4) If a member who terminates employment elects a refund of contributions and;

A. some or all of the refund is eligible for rollover treatment as defined by the Internal Revenue Service; and

B. elects to have such eligible distribution paid directly to an eligible retirement plan or IRA; and

C. specifies the eligible retirement plan or IRA to which such distribution is to be paid (in such form and at such time as the distributing plan administration may prescribe)

the distribution will be made in the form of a direct trustee-to-trustee transfer to the specified eligible retirement plan.

(r) Retirement System Funds.

(1) Generally. The employees' savings fund, the pension accumulation fund and the retirement reserve fund are hereby established. The Board of Trustees may from time to time establish such other funds as shall be required for the proper operation of the retirement system. The funds shall be held and administered for the exclusive purpose of providing benefits to the members and their beneficiaries and defraying reasonable expenses of

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THE RETIREMENT SYSTEM. THE ENTIRE AMOUNT OF ALL MONEYS PAID INTO THE FUND SHALL CONSTITUTE AN IRREVOCABLE CONTRIBUTION BY THE CITY, AND THE CITY SHALL HAVE NO FURTHER RIGHTS OR CLAIMS TO SAID FUNDS OTHER THAN SUCH AMOUNTS AS REMAIN IN THE FUNDS UPON THE RETIREMENT SYSTEM'S TERMINATION BECAUSE OF ERRONEOUS ACTUARIAL COMPUTATIONS AFTER THE SATISFACTION OF ALL FIXED AND CONTINGENT OBLIGATIONS TO THE MEMBERS AND THEIR BENEFICIARIES. A BALANCE DUE TO AN ERRONEOUS ACTUARIAL COMPUTATION SHALL MEAN ANY SURPLUS ARISING BECAUSE ACTUAL REQUIREMENTS DIFFERED FROM EXPECTED REQUIREMENTS BASED ON PREVIOUS ACTUARIAL VALUATIONS OF LIABILITIES OIL DETERMINATIONS OF COSTS OF PROVIDING PENSION BENEFITS UNDER THE RETIREMENT SYSTEM IN ACCORDANCE WITH REASONABLE ASSUMPTIONS AS TO MORTALITY, INTEREST, ETC., AND CORRECT PROCEDURES RELATING TO THE METHOD OF FUNDING, ALL AS MADE BY THE CITY UPON AND WITH THE ADVICE OF AN ACTUARY. NOT WITHSTANDING THE FOREGOING, ANY CONTRIBUTIONS MADE BY THE CITY BY A MISTAKE OF FACT SHALL BE RETURNED TO THE CITY, UPON ITS REQUEST, WITHIN 1 YEAR AFTER SUCH CONTRIBUTION WAS MADE.

(2) EMPLOYEES' SAVINGS FUND.

A. THE EMPLOYEES' SAVINGS FUND SHALL BE THE FUND IN WHICH SHALL BE ACCUMULATED, AT REGULAR INTEREST, THE CONTRIBUTIONS DEDUCTED FROM THE COMPENSATIONS OF MEMBERS, AND FROM WHICH SHALL BE MADE TRANSFERS AND PAID REFUNDS OF ACCUMULATED CONTRIBUTIONS AS PROVIDED IN THIS SECTION.

B. THE CONTRIBUTIONS OF A MEMBER OF THE FIRE DEPARTMENT, THE POLICE NON-SUPERVISORY DEPARTMENT AND THE POLICE SUPERVISORY DEPARTMENT TO THE RETIREMENT SYSTEM SHALL BE FIVE 4.48 PERCENT, 5.8 PERCENT AND 6.00 PERCENT, RESPECTIVELY OF HIS OR HER COMPENSATION PAID HIM OR HER BY THE CITY. THE DIRECTOR OF FINANCE OR OTHER OFFICER RESPONSIBLE FOR MAKING UP THE PAYROLL SHALL CAUSE THE CONTRIBUTIONS TO BE DEDUCTED FROM THE COMPENSATION OF EACH MEMBER ON EACH AND EVERY PAYROLL, FOR EACH AND EVERY PAYROLL PERIOD, FROM THE DATE OF HIS OR HER ENTRANCE IN THE SYSTEM TO THE DATE HIS OR HER MEMBERSHIP TERMINATES.

C. THE CONTRIBUTIONS PROVIDED IN THIS SUBSECTION SHALL BE MADE NOTWITHSTANDING THAT THE MINIMUM COMPENSATION PROVIDED BY LAW FOR ANY MEMBER SHALL BE CHANGED THEREBY. EVERY MEMBER SHALL BE DEEMED TO CONSENT AND AGREE TO THE DEDUCTIONS MADE AND PROVIDED FOR IN THIS SUBSECTION, AND PAYMENT OF HIS OR HER COMPENSATIONS LESS SUCH DEDUCTIONS SHALL BE A FULL AND COMPLETE DISCHARGE AND ACQUITTANCE OF ALL CLAIMS AND DEMANDS WHATSOEVER FOR THE SERVICES RENDERED BY SUCH PERSON, EXCEPT AS TO BENEFITS PROVIDED UNDER THIS SECTION. WHEN DEDUCTED, THE CONTRIBUTIONS OF EACH MEMBER SHALL BE PAID. INTO THE RETIREMENT SYSTEM AND SHALL BE CREDITED TO HIS OR HER INDIVIDUAL ACCOUNT IN THE EMPLOYEES' SAVINGS FUND.

D. IN ADDITION TO THE CONTRIBUTIONS DEDUCTED FROM THE COMPENSATIONS OF A MEMBER, AS HEREINBEFORE PROVIDED, HE OR SHE SHALL DEPOSIT IN THE FUND, BY A SINGLE PAYMENT OR BY AN INCREASED RATE OF CONTRIBUTION AS DETERMINED BY THE BOARD OF TRUSTEES, AN AMOUNT EQUAL TO THE AMOUNT HE OR SHE MIGHT HAVE WITHDRAWN THEREFROM, TOGETHER WITH REGULAR INTEREST FROM THE DATE OF WITHDRAWAL TO THE DATE OF REPAYMENT. IN NO CASE SHALL ANY MEMBER BE GIVEN CREDIT FOR SERVICE RENDERED PRIOR TO THE DATE HE OR SHE WITHDREW HIS OR HER ACCUMULATED CONTRIBUTIONS UNTIL HE OR SHE REPAYS TO THE FUND ALL AMOUNTS DUE SUCH FUND BY HIM OR HER.

E. UPON THE RETIREMENT OF A MEMBER, HIS OR HER ACCUMULATED CONTRIBUTIONS SHALL BE TRANSFERRED FROM THE EMPLOYEES' SAVINGS FUND TO THE RETIREMENT RESERVE FUND. AT THE EXPIRATION OF A PERIOD OF FIVE YEARS FROM AND AFTER THE DATE AN EMPLOYEE CEASES TO BE A MEMBER; ANY BALANCE STANDING TO HIS OR HER CREDIT IN THE EMPLOYEES' SAVINGS FUND THAT IS UNCLAIMED BY THE MEMBER OR HIS OR HER LEGAL REPRESENTATIVE SHALL REMAIN A PART OF THE MONEYS OF THE RETIREMENT SYSTEM AND SHALL BE TRANSFERRED TO THE PENSION ACCUMULATION FUND, IF NO RETIREMENT ALLOWANCE WILL BECOME PAYABLE BY THE RETIREMENT SYSTEM ON ACCOUNT OF HIS OR HER CITY EMPLOYMENT.

F. THE EMPLOYER SHALL FOR TAX PURPOSES PICK-UP THE FIRE MEMBERS, POLICE SUPERVISORY AND POLICE NON-SUPERVISORY MEMBER CONTRIBUTIONS REQUIRED BY THIS SECTION FOR ALL COMPENSATION EARNED AFTER THE LATER OF THE EXECUTION OR EFFECTIVE DATE OF THIS SUBSECTION EFFECTIVE JANUARY 1, 1996. THE CONTRIBUTIONS SO PICKED-UP SHALL BE TREATED AS EMPLOYER CONTRIBUTIONS IN DETERMINING TAX TREATMENT UNDER THE UNITED STATES INTERNAL REVENUE CODE. THE EMPLOYER SHALL PICK-UP THE MEMBER CONTRIBUTIONS FROM FUNDS ESTABLISHED AND AVAILABLE IN THE SALARIES ACCOUNT, WHICH FUNDS WOULD OTHER-WISE HAVE BEEN DESIGNATED AS MEMBER CONTRIBUTIONS AND PAID TO THE RETIREMENT SYSTEM. MEMBER CONTRIBUTIONS PICKED-UP BY THE EMPLOYER PURSUANT TO THIS SUBSECTION SHALL BE TREATED FOR ALL OTHER PURPOSES OF THIS AND OTHER LAWS OF THE EMPLOYER IN THE SAME MANNER AND TO THE SAME EXTEND AS MEMBER CONTRIBUTIONS MADE PRIOR TO THE

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effective date of this subsection. The member does not have the option of receiving the picked-up member contributions in cash instead of having it paid into the Retirement System.

(3) Pension accumulation fund. The pension accumulation fund shall be the fund in which shall be accumulated reserves resulting from contributions provided by the City. Upon the basis of mortality tables and other tables Of Experience, and regular interest, as the Board of Trustees shall from time to time adopt, the actuary shall annually compute the retirement allowance reserve liabilities for retirement allowances being paid Retirants and beneficiaries and covering service rendered and to be rendered by members. The liabilities so computed shall be financed by appropriations, to be made by Council determined according to this paragraph. The Board shall annually report to Council the amount of: contributions to be paid by the City to the retirement system during the ensuing fiscal year. When paid, the City's contributions shall be credited to the pension accumulation fund.

A. The City's appropriations for members' current service shall be a percentage of their annual compensation which will produce an amount which if paid annually by the City during the members' periods of future service would be sufficient, together with the future service portions of their accumulated contributions, to provide the retirement allowance reserves for the future service portions of the retirement allowances to be paid them.

B. The City's appropriations for members' accrued service shall be a percentage of their annual compensation which will produce an amount which if paid annually by the City for a number of years, to be determined by the Board, would amortize, at regular interest, the unfunded retirement allowance reserves, if any, for the accrued service portions of the retirement allowances to be paid them.

C. The City's appropriations for retirement allowances being paid Retirants and beneficiaries shall be a percentage of the annual compensations of members which will produce an amount which if paid annually by the City for a number of years, to be determined by the Board, would amortize, at regular interest, the unfunded retirement allowance reserves, if any, for the retirement allowances being paid retirants and beneficiaries.

(4) General Fund. The administrative expenses of the retirement system shall be paid by the City from its General Fund.

(5) Retirement reserve fund. The retirement reserve fund shall be the fund from which shall be paid all retirement allowances payable as provided in this section. Should a disability retirant return to the employ of the City, his or her retirement allowance reserve, computed as of the date of his or her return, shall be transferred from the retirement reserve fund to the employees' savings fund and the pension accumulation fund in the same proportions as the retirement allowance reserve was originally transferred. The portion transferred to the employees' savings fund shall be credited to the member's individual account therein. Each December 31, after receipt of the annual actuarial valuation, the balance in the retirement reserve fund shall be brought into balance with the actuarial present value of retirement allowances to be paid after December 31 to all Retirants and beneficiaries in receipt of retirement allowances at December 31, by a transfer between the retirement reserve fund and the pension accumulation fund.

(6) Investment of funds.

A. The Board of Trustees shall be the trustees of the funds of the retirement system and may invest and reinvest such funds as now or hereafter permitted by law. The Board may hold, purchase, sell, assign, transfer and dispose of any securities and investments in which any of the moneys of the retirement system have been invested, as well as the proceeds of such investments.

B. Except as otherwise provided in this section, no trustee or officer or employees of the retirement system shall have any direct or indirect interest in the gains or profits of any investments made by the Board. No such person, directly or indirectly, for himself or herself or as an agent or partner of others, shall borrow any of the moneys or deposits of the system or in any manner use such moneys or deposits, except to make such current and necessary payments as are authorized by the Board. No such person shall become an endorser or surety or become in any manner an obligor for any moneys loaned by or borrowed from the system.

(7) Allowance of regular interest. The Board annually shall allow and credit regular interest on the mean balances in each of the funds of the retirement system for the preceding year, provided, however, that interest to be credited members' individual balances in the employees' savings fund shall be computed on the balances standing to their credit at the beginning of the calendar year and shall be credited at the end of the calendar year.

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THE AMOUNTS SO ALLOWED AND CREDITED SHALL BE PAID FROM INTEREST AND OTHER EARNINGS ON INVESTMENTS OF THE SYSTEM. ANY ADDITIONAL AMOUNT NECESSARY TO ALLOW REGULAR INTEREST, AS PROVIDED IN THIS SYSTEM, SHALL BE PAID FROM THE PENSION ACCUMULATION FUND. ALL INTEREST, DIVIDENDS AND OTHER INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS OF THE SYSTEM, NOT REQUIRED FOR THE ALLOWANCE OF REGULAR INTEREST, SHALL BE CREDITED TO THE PENSION ACCUMULATION FUND.

(8) METHOD OF MAKING PAYMENTS. ALL PAYMENTS FROM THE FUNDS OF THE RETIREMENT SYSTEM SHALL BE MADE ACCORDING TO PROVISIONS OF THE CITY CHARTER ONLY UPON REGULAR CITY VOUCHERS SIGNED BY TWO PERSONS DESIGNATED BY THE BOARD OF TRUSTEES. A DULY ATTESTED COPY OF A RESOLUTION OF THE BOARD DESIGNATING SUCH PERSONS, AND BEARING UPON IT'S FACE SPECIMEN SIGNATURES OF SUCH PERSONS, SHALL BE FILED WITH THE CITY TREASURER AS HIS OR HER AUTHORITY TO MAKE PAYMENTS UPON SUCH VOUCHERS. NO VOUCHER SHALL BE DRAWN UNLESS IT HAS BEEN PREVIOUSLY AUTHORIZED BY A SPECIFIC OR CONTINUING RESOLUTION ADOPTED BY THE BOARD.

(S) ASSIGNMENTS PROHIBITED.

(1) THE RIGHT OF A PERSON TO A RETIREMENT ALLOWANCE, TO THE RETURN OF ACCUMULATED CONTRIBUTIONS AND TO ANY OTHER BENEFIT PROVIDED BY THE RETIREMENT SYSTEM, AND ANY OTHER RIGHT ACCRUED OR ACCRUING TO ANY PERSON UNDER THIS SECTION SHALL BE UNASSIGNABLE, EXCEPT AS SPECIFICALLY PROVIDED IN THIS SECTION. FURTHER, THE MONEYS BELONGING TO THE SYSTEM SHALL NOT BE SUBJECT TO EXECUTION, GARNISHMENT, ATTACHMENT, THE OPERATION OF BANKRUPTCY OR INSOLVENCY LAW, OR ANY OTHER PROCESS OF LAW WHATSOEVER, AND SHALL BE UNASSIGNABLE, EXCEPT AS IS SPECIFICALLY PROVIDED IN THIS SECTION. THE CITY SHALL HAVE THE RIGHT OF SETOFF FOR ANY CLAIM ARISING FROM FRAUD OF OR EMBEZZLEMENT BY A MEMBER, RETIRANT OR BENEFICIARY. IF A MEMBER IS COVERED BY A GROUP INSURANCE OR PREPAYMENT PLAN PARTICIPATED IN BY THE CITY, AND SHOULD HE OR SHE BE PERMITTED TO, AND ELECT TO, CONTINUE SUCH COVERAGE AS A RETIRANT, HE OR SHE MAY AUTHORIZE THE BOARD OF TRUSTEES TO HAVE DEDUCTED FROM HIS OR HER RETIREMENT ALLOWANCE THE PAYMENTS REQUIRED OF HIM OR HER TO CONTINUE COVERAGE UNDER SUCH GROUP INSURANCE OR PREPAYMENT PLAN.

(2) ALL ASSETS OF THE RETIREMENT SYSTEM SHALL BE HELD FOR THE SOLE PURPOSE OF MEETING DISBURSEMENTS AUTHORIZED BY THIS SECTION AND SHALL BE USED FOR NO OTHER PURPOSE. THE CREDITING OF MONEYS TO THE VARIOUS FUNDS OF THE SYSTEM SHALL BE INTERPRETED TO REFER TO ACCOUNTING PROCEDURES AND NOT TO THE ACTUAL SEGREGATION OF MONEYS IN THE VARIOUS FUNDS OF THE SYSTEM.

(T) PROTECTION AGAINST FRAUD. NO PERSON, WITH THE INTENT TO DECEIVE, SHALL MAKE ANY STATEMENT OR REPORT REQUIRED UNDER THIS CHAPTER WHICH IS UNTRUE, OR SHALL FALSIFY OR PERMIT TO BE FALSIFIED ANY RECORD OF THE RETIREMENT SYSTEM, OR OTHERWISE VIOLATE, WITH INTENT TO DECEIVE, ANY OF THE PROVISIONS OF THIS SECTION.

(U) ERRORS. IF ANY CHANGE OR ERROR IN THE RECORDS OF THE CITY OR THE RETIREMENT SYSTEM RESULTS IN ANY PERSON RECEIVING FROM THE SYSTEM MORE OR LESS THEN HE OR SHE WOULD HAVE BEEN ENTITLED TO RECEIVE HAD THE RECORDS BEEN CORRECT, THE BOARD OF TRUSTEES SHALL CORRECT SUCH ERROR AND ADJUST THE PAYMENT IN SUCH MANNER THAT THE ACTUARIAL EQUIVALENT OF THE BENEFIT TO WHICH SUCH PERSON WAS CORRECTLY ENTITLED SHALL BE PAID.

(V) APPLICATION OF OTHER LAW. THE PENSIONS, ANNUITIES AND OTHER BENEFITS BEING PAID RETIRED POLICEMEN AND FIREMEN OF THE CITY, WHO RETIRED PRIOR TO JANUARY 1, 1944, AND TO THE WIDOWS AND WIDOWERS AND CHILDREN OF SUCH RETIRED POLICEMEN AND FIREMEN, SHALL BE CONTINUED WITHOUT CHANGE ACCORDING TO LAW. THE NECESSARY FUNDS TO MAKE PAYMENT OF SUCH ANNUITIES, PENSIONS AND OTHER BENEFITS SHALL CONTINUE TO BE AN OBLIGATION OF THE CITY.

(W) EFFECT OF 1966 AMENDMENT. THE ANNUITIES, PENSIONS OR RETIREMENT ALLOWANCES BEING PAID RETIRANTS AND BENEFICIARIES UNDER THIS SECTION THE DAY PRECEDING THE EFFECTIVE DATE OF THE 1966 REVISION OF THIS SECTION (SEPTEMBER 1, 1966) SHALL CONTINUE TO BE PAID IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION IN FORCE THE DAY PRECEDING SUCH EFFECTIVE DATE.

(X) EFFECTIVE DATE OF RETIREMENT SYSTEM. THE EFFECTIVE DATE OF THE RETIREMENT SYSTEM IS JANUARY 1, 1944.

(Y) BENEFIT LIMITATIONS AND REQUIRED DISTRIBUTIONS.

(1) BENEFITS PAID UNDER THE CITY OF LANSING POLICE AND FIRE RETIREMENT SYSTEM ORDINANCE SHALL NOT EXCEED THE LIMITATIONS OF INTERNAL REVENUE CODE SECTION 415, THE PROVISIONS OF WHICH ARE HEREBY INCORPORATED BY REFERENCE.

(2) NOTWITHSTANDING ANY PROVISIONS IN THIS ORDINANCE TO THE CONTRARY, THE DISTRIBUTION OF BENEFITS SHALL BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS AND OTHERWISE COMPLY WITH INTERNAL REVENUE CODE SECTION 401(A)(9) AND THE REGULATIONS THEREUNDER, THE PROVISIONS OF WHICH ARE INCORPORATED HEREIN BY REFERENCE:

A. A MEMBER'S BENEFIT SHALL BE DISTRIBUTED TO HIM/HER NOT LATER THAN APRIL 1ST OF THE CALENDAR YEAR FOLLOWING THE LATER OF (I) THE CALENDAR YEAR IN WHICH THE MEMBER ATTAINS AGE 70 ;T OR (II) THE CALENDAR YEAR IN WHICH THE MEMBER RETIRES. ALTERNATIVELY, DISTRIBUTIONS TO A MEMBER MUST BEGIN NO LATER THAN THE APPLICABLE APRIL 1ST AS DETERMINED UNDER THE PRECEDING SENTENCE AND MUST BE MADE OVER THE LIFE OF THE MEMBER (OR THE LIFE

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EXPECTANCIES OF THE MEMBER AND THE MEMBER'S SPOUSE) IN ACCORDANCE WITH REGULATIONS.

B. DISTRIBUTIONS TO A MEMBER AND HIS/HER SPOUSE SHALL ONLY BE MADE IN ACCORDANCE WITH THE INCIDENTAL DEATH BENEFIT REQUIREMENTS OF CODE SECTION 401(A)(9)(G) AND THE REGULATIONS THEREUNDER.

294.03 MINIMUM ANNUAL BENEFITS.

EFFECTIVE JULY 1, 1994, THE MINIMUM ANNUAL BENEFIT FOR MEMBERS WITH TWENTY OR MORE YEARS OF CREDITED SERVICE SHALL BE TEN THOUSAND FIVE HUNDRED DOLLARS ($10,500) FOR A MEMBER AND FIVE THOUSAND TWO HUNDRED FIFTY DOLLARS ($5,250) FOR A SURVIVING SPOUSE. THE TWENTY OR MORE YEARS OF CREDITED SERVICE REQUIREMENT SHALL BE WAIVED IN THE EVENT OF THE DEATH OF A MEMBER WHICH IS DETERMINED TO BE DUTY RELATED.

EFFECTIVE JANUARY 1, 1995, AND EACH CONSECUTIVE JANUARY THEREAFTER, AN ANNUAL CUMULATIVE INCREASE SHALL BE MADE TO EACH MEMBER WHO:

(A) HAS TWENTY-FIVE YEARS OR MORE OF CREDITED SERVICE AT THE TIME OF HIS OR HER RETIREMENT; PROVIDED THAT THE TWENTY-FIVE YEARS OR MORE OF CREDITED SERVICE REQUIREMENT SHALL BE WAIVED IN THE EVENT OF THE DEATH OF A MEMBER WHICH IS DETERMINED TO BE DUTY RELATED;

(B) HAS ATTAINED THE AGE OF SIXTY YEARS AS OF THE JANUARY 1 INCREASE DATE; AND

(C) HAS BEEN RETIRED FOR A MINIMUM OF SIX MONTHS AS OF THE JANUARY 1 INCREASE DATE. AND TO EACH SURVIVING SPOUSE MEETING THE FOLLOWING CONDITIONS:

(D) THE DECEASED RETIREE OR DECEASED MEMBER HAD TWENTY-FIVE YEARS OR MORE OF CREDITED SERVICE AT THE TIME OF HIS OR HER DEATH; PROVIDED THAT THE TWENTY-FIVE YEARS OR MORE OF CREDITED SERVICE REQUIREMENT SHALL BE WAIVED IN THE EVENT OF THE DEATH OF A MEMBER WHICH IS DETERMINED TO BE DUTY RELATED;

(E) THE DECEASED RETIREE OR DECEASED MEMBER WOULD HAVE ATTAINED THE AGE OF SIXTY YEARS AS OF THE JANUARY 1 INCREASE DATE; AND

(F) THE DECEASED RETIREE HAD BEEN RETIRED OR THE DECEASED MEMBER HAD BEEN DECEASED FOR A MINIMUM OF SIX MONTHS AS OF THE JANUARY 1 INCREASE DATE.

THE ANNUAL INCREASE IN THE RETIREMENT ALLOWANCE OF A RETIRED MEMBER SHALL BE FIVE HUNDRED TWENTY-FIVE ($525) DOLLARS, AND SHALL BE ADJUSTED ACCORDING TO HIS OR HER APPLICABLE SPOUSAL BENEFIT OPTION UNDER SUBSECTION 294.02(K)(3)A. HEREOF; PROVIDED THAT THE CUMULATIVE INCREASE DOES NOT EXCEED THE CUMULATIVE INCREASE IN THE CONSUMER PRICE INDEX SINCE RETIREMENT.

THE ANNUAL INCREASE IN THE RETIREMENT ALLOWANCE OF A SURVIVING SPOUSE SHALL BE TWO HUNDRED SIXTY-TWO DOLLARS FIFTY CENTS ($262.50), AND SHALL BE ADJUSTED ACCORDING TO HIS OR HER APPLICABLE SPOUSAL BENEFIT OPTION UNDER SUBSECTION 294.02(K)(3)A. HEREOF; PROVIDED THAT THE CUMULATIVE INCREASE DOES NOT EXCEED THE CUMULATIVE INCREASE IN THE CONSUMER PRICE INDEX SINCE THE EARLIER OF THE DEATH OR RETIREMENT OF THE DECEASED OR RETIRED MEMBER.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

GIVEN IMMEDIATE EFFECT BY MOTION OF COUNCIL VICE-PRESIDENT BEAL

MARILYNN SLADE,
LANSING, CITY CLERK

DISCUSSION AS COMMITTEE OF THE WHOLE

BY COUNCILMEMBER BEAL

THAT THE COUNCIL DO NOW RESOLVE ITSELF INTO A COMMITTEE OF THE WHOLE TO CONSIDER THE FOLLOWING ITEMS

CARRIED UNANIMOUSLY

A. SOUTH SIDE COMMUNITY CENTER REPORT BY COUNCILMEMBER SANDY ALLEN

AT THE REQUEST OF COUNCILMEMBER ALLEN, HER REPORT WAS DEFERRED TO THE FEBRUARY 5, 1996 MEETING AND FOR DISCUSSION BY THE COMMITTEE OF THE WHOLE AT THE FEBRUARY 12, 1996 MEETING

B. LANSING ENTERTAINMENT AND PUBLIC FACILITY APPOINTMENT REPORT BY COUNCILMEMBER JOAN BAUER

COUNCILMEMBER BAUER REPORTED INTERVIEWING GINA TORIELLI, DAN NICKERSON, TIM NICHOLS AND JOHN DECKER WITH REGARD TO THEIR APPLICATIONS FOR APPOINTMENT TO LEPFA. THEY ANTICIPATE INTERVIEWING THE REMAINING FIVE CANDIDATES AT THEIR MEETING ON JANUARY 29, 1996 AT 5:30 P.M. SHE INVITED HER COLLEAGUES TO

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JOIN THE COMMITTEE FOR THE INTERVIEWS. THE COMMITTEE DID RECOMMEND ACCEPTANCE OF THE FOUR APPOINTEES NAMED ABOVE. PRESIDENT JONES DIRECTED THAT A SPECIAL MEETING OF THE COMMITTEE OF THE WHOLE BE SCHEDULED FOR MONDAY, FEBRUARY 5, 1996 AT 5:30 P.M. FOR THE PURPOSE OF CONSIDERING LEPFA APPOINTMENTS AND STAFFING ISSUES.

C. PROPOSED AMENDMENTS TO CHAPTER 290, CONFLICTS OF INTEREST (ETHICS ORDINANCE)

BY COUNCILMEMBER LILLY

TO TABLE THE PROPOSED AMENDMENTS TO CHAPTER 290, PENDING RECEIPT OF A RESPONSE TO QUESTIONS HE HAS POSED TO THE CITY ATTORNEY

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK
NAYS: NONE

BY COUNCILMEMBER NOVAK

TO RECONSIDER COUNCILMEMBERS LILLY'S MOTION TO TABLE

MOTION FAILED 4/4

D. REVIEW OF CONSENT AGENDA ITEMS FOR MONDAY, FEBRUARY 5, 1996

BY COUNCILMEMBER LILLY

THAT COUNCIL APPROPRIATE ENOUGH MONEY FROM THE COUNCIL ACCOUNT TO PURCHASE TWO "RESERVED CITY COUNCIL" TABLES AT THE BEA CHRISTY DINNER ON FEBRUARY 16, 1996

MOTION CARRIED 8/0

COUNCILMEMBER BENAVIDES REQUESTED THAT THE APPROVAL OF A TRANSFER OF CLASS C LIQUOR LICENSE LOCATION FOR DR. HAROLD ROTH BE PULLED FROM THE LIST OF CONSENT AGENDA ITEMS FOR FEBRUARY 5, 1996. THIS ITEM WILL BE RESCHEDULED AT A LATER DATE.

BY VICE PRESIDENT BEAL

THAT THE COMMITTEE OF THE WHOLE DO NOW RISE

CARRIED UNANIMOUSLY

TABLED ITEMS

1. AMENDMENT TO ADD A NEW CHAPTER, CHAPTER 245, FOR THE PURPOSE OF ESTABLISHING THE SITE OF THE CITY MARKET (TABLED ON 1/8/96 FOR 30 DAYS)

2. PROPOSED AMENDMENTS TO CHAPTER 290, CONFLICTS OF INTEREST (ETHICS ORDINANCE)

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER ALLEN; A LETTER FROM JENNIFER LAURITZEN OF 2810 S. WASHINGTON AVE. REQUESTING DENIAL OF Z-18-95

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2. FROM COUNCILMEMBER BENAVIDES; PRINTED PROCEEDINGS FROM THE MEETING OF JANUARY 16, 1996 FOR APPROVAL

DEFERRED TO THE FEBRUARY 5, 1996 MEETING

3. FROM COUNCILMEMBER BENAVIDES; A RESOLUTION APPOINTING COUNCILMEMBER PAUL NOVAK TO THE ECONOMIC DEVELOPMENT CORPORATION BOARD OF TRUSTEES

DEFERRED TO THE FEBRUARY 5, 1996 MEETING

4. FROM COUNCILMEMBER BAUER; A LETTER FROM ROBERT K. ALDRICH, CHAIR OF THE LANSING BOARD OF EDUCATION POLICY COMMITTEE REGARDING THE FORMATION OF A DISTRICT LIBRARY

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

PENDING ITEMS

A. SOUTH SIDE COMMUNITY CENTER REPORT BY COUNCILMEMBER SANDY ALLEN

B. LANSING ENTERTAINMENT AND PUBLIC FACILITY APPOINTMENT REPORT BY COUNCILMEMBER JOAN BAUER

C. REVIEW OF CONSENT AGENDA ITEMS FOR MONDAY, FEBRUARY 12, 1996

CITIZEN COMMENT

PAUL SCOTT OF 412 W. KILBORN ENUMERATED SEVERAL CORRECTIONS THAT HE FELT SHOULD BE MADE TO THE MAYOR'S STATE OF THE CITY ADDRESS; COUNCILMEMBER LEEMAN KEPT HOPE ALIVE FOR THE CITY HALL FOUNTAIN; COUNCILMEMBER BEAL FOUGHT FOR CURFEW ENFORCEMENT; COUNCILMEMBER ALLEN FOR ADDITIONAL ICE SKATING RINKS AND COUNCILMEMBER LILLY FOR THE NEIGHBORHOOD ADVOCATE. HE STATED THAT JOE PANDY, JR., DIRECTOR OF THE BOARD OF WATER & LIGHT, IS ONE OF THE PARTNERS OF THE DEVELOPMENT FIRM INVESTING IN THE REDEVELOPMENT OF THE OTTAWA ST. POWER STATION. HE SAID THAT MAYOR HOLLISTER SOLD COPIES OF THE STATE OF THE CITY ADDRESS, PRIOR TO IT'S PRESENTATION HERE TONIGHT, AT A COST OF $125.00.

LLOYD TEETS OF 116 E. ELM ST. TOLD THE VIEWING AUDIENCE THAT WHAT THEY HAVE BEEN WATCHING IS THE

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City Council acting as the Committee of the Whole. He does not believe that Council has shown itself in a favorable light tonight. However, this is how democracy works. It would work better in Lansing if there were a collaborative effort and the controversy over LEPFA appointments that took place tonight could have been avoided. The truth of the state of the city is that Council has to go outside the city to find qualified appointees for LEPFA. He stated that he would continue his protests and updates about the rain tax in weeks to come.

Robert Bennett of 222 W. Saginaw spoke in favor of the sale of the Waverly Golf Course. This is a facility that is located outside of Lansing that Lansing Residents are paying to maintain for the pleasure of non-residents. He asked that this issue be reopened. He said that the sale of the Grand Ave./Kalamazoo St. Triangle could provide money for roads and for the South Side Community Center.

COUNCILMEMBERS COMMENTS

Councilmember Leeman reported; his attendance at the Convention/Exhibition Authority Board Meeting; his attendance at the Convention Visitors Bureau Board Meeting; his efforts to enforce the public nuisance code as it regards trash pickup at a rental property, and as it regards houses for drug use or prostitution; his attendance at a Franklin Street Housing Cooperative Open House; his attendance at a meeting regarding the decentralization of LPD; a meeting regarding the Local Initiative Support Group; visiting the Boys and Girls Club Building; attending a meeting at the Oak Park Community Building with representatives of the Sparrow and Green Oaks neighborhoods who are asking that Eastern High School be a closed campus. He urged the Lansing School District to seriously consider this request. This issue needs to be addressed. Eastern should be a closed campus with the exception of students who are Seniors.

Councilmember Allen reminded everyone that the next meeting, on January 29, 1996, will contain a Town Hall Forum segment. The topic for the Town Hall Forum will be Public Safety. She will chair that portion of next week's Council meeting. She asked the audience members to address the issues of what makes cities safe. What issues does the administration need to address to provide a safe city. What are the positive efforts the City of Lansing is making in this regard, and what areas do we need to concentrate more effort on. The Chief of Police will be present, as well as the Fire Chief, the Public Service Department Director, the Planning Department Director and the Mayor. Councilmember Comment will be limited. They will only ask questions for clarification. The program will have call in capability and Council will answer specific questions and accept input from the community. She urges everyone to attend this meeting, or, phone in with their comments. She announced that the deadline for filing appeals on Stormwater fees was today.

Councilmember Benavides said that all appeals received as of today's date will be forwarded to the Public Service Department.

Councilmember Bauer commended the Downtown Neighborhood Association. She attended their meeting on Saturday and thinks they are a great committee.

Councilmember Beal thanked the staff and the administration at Gardner Jr. High School for allowing the City to hold it's Council meeting here tonight. It inconvenienced a lot of students and teachers. She thanked Anne Blair, the Principal at Gardner. She reported that the Evening and Saturday Parking issue was on the Ways and Means Committee Agenda at the last meeting. She noted that the idea seems to be to charge for parking around the Baseball Stadium, in order to force people into the City's Parking ramps and parking lots. She said that the Public Service Department and the Traffic Board did a good job of reducing the affected area to an area bounded by Pere Marquette, Shiawassee, Capitol Ave., and Kalamazoo Street.

President Jones thanked Ron Onufer and Karen Schmidt from Channel 28, and Continental Cablevision Staff. He announced to the public that all of the City's Ice Skating Rinks are open and skatable.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener thanked Gardner Middle School, the principal, the teachers, and the students for hosting tonight's meeting. He thanked Council staff for taking on the big job of moving the Council Meeting away from Council Chambers. Regarding the LEPFA appointments; there are only two attorneys among the appointees. Five of the nine recommendations are City Residents. This Board was originally planned with a Regional concept. Based on these discussions they appointed people they knew to be dedicated to the City of Lansing, regardless of where they live.

ADJOURNED 10:15 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JANUARY 29, 1996

REVISED

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmember Novak

The Invocation and the Pledge of Allegiance were led by Councilmember Jones

President Jones introduced Lansing's newest representative on the Tri-County Regional Planning Commission, Paul Scott, and announced that he was elected Vice-Chair at last week's meeting.

He stated his appreciation of the people who attended the Lansing Housing Authority meeting to speak in support of Council's resolution opposing Senate Bill #653.

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; an Editorial from the Detroit News regarding the City of Lansing Stormwater Enterprise Fund

2. From Councilmember Lilly; a letter from the Genessee Neighborhood Association regarding the Black Child and Family Institute

3. From Councilmember Lilly: a letter from Carol Wood regarding the Black Child and Family Institute

4. From Councilmember Leeman; a letter to Planning Manager, Eleanor Love, regarding rezoning in the Riverpoint Neighborhood

READING AND APPROVAL OF MINUTES

By Councilmember Benavides

To approve the printed Council Proceedings of April 24, May 1, May 8, May 15, and May 22, 1995

B. January 16, and January 22, 1996

Carried unanimously

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Camille S. Abood on behalf of the Catholic Diocese of Lansing submitting a draft copy of an initiative petition to Abolish the Stormwater Enterprise Fund

REFERRED TO THE MAYOR AND THE CITY ATTORNEY

B. Notice from the State of Michigan Public Service Commission of a Hearing before the Public Service Commission for the Customers of Consumers Power Company Case #U-11060

RECEIVED AND PLACED ON FILE

C. Notice from the State of Michigan Department of Natural Resources of Permit #966005 for Sewerage System Construction issued to the City of Lansing for Brentwood condominiums

REFERRED TO THE MAYOR

D. Notice from the State of Michigan Liquor Control Commission of cancellation of an application filed by Sherry K. Trumble of 214 Warrington to Transfer SDM Licensed Business at 1600 S. Washington

REFERRED TO THE MAYOR AND THE CITY CLERK

E. Letter from Mary Miller of 1304 Hillcrest St. filing an appeal of the Stormwater fee assessed against her property

REFERRED TO THE MAYOR

F. Letter from Senator Dianne Byrum submitting DNR Grant and Loan Program Catalog and DEQ Grant and Loan Catalog

REFERRED TO THE MAYOR

G. Letter from Attorneys submitting claim in the amount of $1,000,000 on behalf of Barry Mead

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REFERRED TO THE CITY ATTORNEY

H. Letter from the Eyde Company regarding the Stormwater Enterprise Fund and fees assessed against Eyde Company properties

REFERRED TO THE MAYOR

I. Letter from Mr. Lester Beltz of 28455 Thorny Brae Rd., Farmington Hills, MI proffering the donation of property located at 333 E. Hodge Ave. to the City of Lansing for use in Planning and Neighborhood Development Projects

REFERRED TO THE MAYOR

J. Twenty-six letters in Support of the two proposed Civil Rights Ordinances from members of the Lansing Equal Rights Task Force

RECEIVED AND PLACED ON FILE

K. Letter from Attorneys on behalf of Patric Patino of Four-Seasons Heating and Air Conditioning requesting a refund of all Mechanical Permit Fees and Special Investigation Fees paid by Four Seasons from July 31, 1989 through the present

REFERRED TO THE MAYOR AND THE CITY ATTORNEY

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

2. Letter from the City Clerk notifying Mayor Hollister and Councilmembers of Term Expirations of City Boards and Authorities

REFERRED TO THE MAYOR AND THE COUNCIL PRESIDENT

B. Letter from the City Attorney regarding Teresa Jones and Dan Jones v City of Lansing, et al

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Information regarding the formation of a Regional Economic Development Forum and request for Funding Contribution

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Recommendation for use of Surplus Funds for Senior Program Activities

REFERRED TO THE COMMITTEES ON GENERAL SERVICES AND WAYS AND MEANS

3/ Potter Park Zoo Attendance Report

REFERRED TO THE COMMITTEES ON GENERAL SERVICES AND WAYS AND MEANS

4/ Tollgate Drain Improvements - Fairview Park and Groesbeck Golf Course

REFERRED TO THE COMMITTEES ON PUBLIC SERVICES AND WAYS AND MEANS

5/ Transfer of Funds: Parks and Recreation, Mayor's Office, Public Service

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Z-16-95, Trapper's Cove Apartment Complex, Rezoning Petition from "Community Unit Plan" to "DM-1" Residential and "F" Commercial Districts

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7/ Z-17-95, 318 - 320 Beaver St. and 1425 Center St., Rezoning Petition from "H" Light Industrial to "C" Residential District

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

8/ Z-18-95, 2708 - 2816 S. Washington Ave., Rezoning Petition from "A" Residential to "D-1" Professional Office

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

9/ Z-20-95, Vacant Property SE Corner of Pennsylvania & May St., Rezoning Petition from "D-1" Professional Office to "F" Commercial Districts

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

10/ ACT-18-95, Board of Water & Light's Proposed Acquisition for a Well Site (Site #1)

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

11/ ACT-19-95, Board of Water & Light's Proposed Acquisition for a Well Site (Site #2)

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

12/ ACT-20-95, Board of Water & Light's Proposed Acquisition for a Well Site (Site #3)

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REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

13/ ACT-21-95, BOARD OF WATER & LIGHT'S PROPOSED ACQUISITION FOR A WELL SITE (SITE #4)

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

14/ ACT-22-95, BOARD OF WATER & LIGHT'S PROPOSED ACQUISITION FOR A WELL SITE (SITE #5)

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

15/ ACT-23-95, BOARD OF WATER & LIGHT'S PROPOSED ACQUISITION FOR A WELL SITE (SITE #6)

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

BY COUNCIL VICE PRESIDENT BEAL

"THAT THE COUNCIL DO NOW RESOLVE ITSELF INTO A COMMITTEE OF THE WHOLE FOR THE PURPOSE OF ENTERING INTO A TOWN MEETING/ROUND TABLE DISCUSSION

CARRIED UNANIMOUSLY

TOWN MEETING
ROUND TABLE DISCUSSION

COUNCIL PRESIDENT JONES TURNED THE GAVEL OVER TO COUNCILMEMBER SANDY ALLEN, CHAIR OF THE PUBLIC SAFETY COMMITTEE, WHO ANNOUNCED THAT THE TOPIC OF TONIGHT'S DISCUSSION WOULD BE PUBLIC SAFETY. SHE INTRODUCED PUBLIC SAFETY COMMITTEE MEMBERS ELLEN BEAL, AND HAROLD LEEMAN, ALONG WITH MAYOR HOLLISTER, CHIEF OF POLICE BOLES, FIRE CHIEF BODIFORD, PLANNING DIRECTOR SYKES AND PUBLIC SERVICES DIRECTOR JADUN; PRESENT TO RESPOND TO THE CONCERNS OF AUDIENCE MEMBERS AND CALLERS.

GEORGE ELLENA OF 2901 GLENBROOK SPOKE REGARDING THE FAILURE OF CITY COUNCIL TO ADOPT THE MUNICIPAL CIVIL INFRACTION ORDINANCES THAT WERE INTRODUCED IN NOVEMBER. THESE ORDINANCES WOULD ALLOW THE CITY TO ISSUE CITATIONS TO PEOPLE WHO DO NOT CLEAR THEIR SIDEWALKS OF ICE AND SNOW. HE PREDICTED THAT WHEN PEOPLE BEGIN RECEIVING FINES FOR NOT CLEARING THEIR SIDEWALKS THEY WILL BEGIN COMPLYING WITH THE REQUIREMENTS TO DO SO. HE SUBMITTED A LETTER ON LAST WEEK'S CITY COUNCIL AGENDA THAT WAS REFERRED TO THE GENERAL SERVICES COMMITTEE, FROM WHOM HE HAS HAD NO CONTACT. HE URGED COUNCIL TO ADOPT THESE ORDINANCES.

TIM MOEDE OF 1425 COOPER ST., AN EMPLOYEE OF THE LANSING FIRE DEPARTMENT, INQUIRED INTO THE SITUATION SURROUNDING THE RETIREMENT OF CHIEF BODIFORD AND THE APPOINTMENT OF A CIVILIAN TRANSITION TEAM FROM THE MAYOR'S OFFICE TO RUN THE FIRE DEPARTMENT IN THE INTERIM BETWEEN HIS RETIREMENT AND THE HIRING OF A NEW CHIEF. HISTORICALLY, THE ASSISTANT CHIEF WOULD FULFILL THIS FUNCTION. WHY IS THE CIVILIAN TRANSITION TEAM NECESSARY?

CHIEF BODIFORD ANSWERED THAT THIS IS A MANAGEMENT TEAM THAT THE MAYOR HAS APPOINTED TO ASSIST THE ASSISTANT CHIEF, WITH WHATEVER RESOURCES HE NEEDS, IN MANAGING THE FIRE DEPARTMENT DURING THE TRANSITION PERIOD.

DOUG LOUNSBURY OF 1426 VINE ST. INQUIRED AS TO THE REASON FOR THE CITY NOT PLOWING SIDEWALKS.

MRS. JADUN ANSWERED THAT THE CITY PLOWS SIDEWALKS ON PROPERTY THAT IS ADJACENT TO PARKS OR PUBLIC SERVICE PROPERTIES THAT ARE CITY OWNED.

ROGER NEWCOMB OF 720 N. WALNUT CRITICIZED THE STATE JOURNAL FOR AN ARTICLE THEY RAN IN TODAY'S PAPER REGARDING THE HOMICIDE RATE IN LANSING. HE STATED THAT HE HAS LIVED IN LANSING ALL OF HIS LIFE. THE CITY MUST COMBAT THE PERCEPTION THAT LANSING IS NOT A SAFE PLACE TO LIVE. WE NEED TO PROMOTE HOME OWNERSHIP MORE.

COUNCILMEMBER ALLEN RESPONDED THAT COUNCILMEMBERS ARE PARTICULARLY INTERESTED IN STRESSING THE ISSUE OF HOME OWNERSHIP IN LANSING. THEY HAVE FORMED AN AD HOC COMMITTEE ON HOUSING TO ADDRESS THIS ISSUE.

GLADYS GILSON OF 223 W. BARNES AVE. SAID THAT THERE HAS BEEN QUITE A BIT OF MALICIOUS DESTRUCTION OF PROPERTY IN HER NEIGHBORHOOD. THEY HAVE A LOT OF ALLEYS THAT RUN BEHIND HOUSES IN THIS NEIGHBORHOOD. THEY USED TO HAVE A "GREEN JACKET" TEAM OF CITIZEN PATROLS THAT USED TO POLICE THESE ALLEYS. SHE REQUESTED REINSTATEMENT OF THIS PROGRAM.

CATHY CURTIS OF 1019 CLEAR ST. ASKED WHAT COUNCIL CAN DO ABOUT ABANDONED HOUSES IN HER NEIGHBORHOOD. THERE ARE TWO ABANDONED HOUSES NEAR HER. CODE COMPLIANCE OFFICERS HAVE BEEN UNSUCCESSFUL IN THEIR ATTEMPTS TO DEAL WITH THE PROBLEMS CREATED BY THESE PROPERTIES.

MR. SYKES ANSWERED THAT THE CODE COMPLIANCE OFFICERS ARE OUT IN THE NEIGHBORHOODS ENFORCING THE CITY'S BUILDING AND HOUSING CODES EVERYDAY. HE ASKED IF THESE WERE RECENTLY ABANDONED HOUSES, AND ASKED MRS. CURTIS TO GIVE HIM THE ADDRESSES SO THAT HE CAN DISPATCH OFFICERS TO THE PROPERTIES TO DO INSPECTIONS. THE PROPERTIES ARE LOCATED AT 1031 CLEAR ST. AND 1017 CLEAR STREET.

MS. CURTIS INFORMED MR. SYKES THAT THE PROPERTY AT 1031 CLEAR ST. IS IN THE DMS PROCESS.

COUNCILMEMBER BEAL SAID THAT SHE RAN INTO THIS PROBLEM SEVERAL TIMES LAST SUMMER DURING HER CAMPAIGNING. ABANDONED HOUSES SHOW TOLERANCE OF LOW STANDARDS IN A COMMUNITY. COUNCIL HAS ASKED THE

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administration to address this issue. She has personally written to ask if the owners of these types of properties can be compelled to put their houses on the market for sale. She asked that City Attorney Smiertka address this question; what are his ideas on how to respond to this problem?

Mr. Smiertka said that under State Law, if a house is dangerous or no longer occupied, and kids are getting inside it, there is a hearing process. They can go into Circuit Court to have the house declared a nuisance and a revenue factor assessed. Properties of this type cannot be taken away from the owner, however, nuisance fines can be assessed against the property and attached to the property tax statement. After this has been done several times the City could acquire the property through liens against it. The City also has the power of condemnation, however, this procedure entails paying a particular value for the property and restricts the City to particular blocks for rehabilitation.

Councilmember Allen summarized; there is a process in place, however, it is a cumbersome one that takes a while. She urged the caller to exercise patience and the houses would be dealt with within the constraints of the system.

Anthony Medina of 210 W. Willow stated that he tried to organize a Citizens Safety Team to make citizen arrests. He advised interested parties that the State Library has a fourth floor full of pamphlets on how to make a citizens arrest. It is not as easy as it may sound. He asked if the City has any prepared literature available to educate the public with regard to their right to make citizens arrests.

Chief Boles answered that there is no prepared literature available at this time. He said that interested citizens could sit down one on one with his office to receive information. They anticipate starting a Citizens CADA.

Mr. Medina said that this would be money well spent. They should be teaching members of neighborhood watch organizations to make arrests and give CPR and other emergency assistance.

Robert Nole of 524 N. Dexter Dr. registered a complaint about the turn lanes from Capitol Ave. onto the I-96 Service-Drive. These lanes are not clearly marked and are not easily seen from a vehicle. They need to be repainted.

Mrs. Jadun said that she will assign this complaint to the Traffic Division to be assessed and corrected.

Jim Harken of 315 Bingham suggested that the City purchase 50 camcorders and distribute them to citizens who complain about drug houses. These videos can be used in court. He saw this method used in Detroit, where they busted a drug house in one 24 hour period of time. Residency should be required of City Police Officers, thereby forcing them to live in city neighborhoods, which would be a further deterrent to crime. Drug houses should be boarded up. He said that City Council, through rezonings, has a direct impact on home ownership in the City.

Councilmember Allen reiterated her statement that City Council is actively pursuing methods to increase home ownership. She indicated her interest in pursuing the camcorder idea.

Jeff Pratt of 5025 Palmer St. noted the collection of fees for ambulance services in the last couple of years and asked why no improvements were made to the Fire Department last year.

Chief Bodiford reported the addition of three new ambulances in 1995, and the purchase of another in 1996 to equal four new ambulances for the south end of Lansing. The Fire Department response time is within the Insurance Service Offices guidelines and stands within 5 minutes of the reporting time. The ambulance service fees are being used for the purchase of fire department equipment and other fire department needs.

Lynn Densmore of 6141 Beechfield, Apt. #221, thanked Mayor Hollister, Chief Boles, City Attorney Smiertka, Code Compliance Officers, and Councilmember Allen for their assistance in producing an increasingly crime free environment in the Beechfield neighborhood. She requested that the code compliance efforts be maintained in her neighborhood.

Joy Wallace of 732 W. Lapeer said that she recently purchased the home she had been renting. There are too many houses being torn down in Lansing. She would like to see some new houses built on the empty lots in her neighborhood. These are good locations, near the center of the City. Downtown needs residential development. Merchants downtown do not stay open in the evenings because of the lack of downtown residents.

Mike Leonard of 3714 Stratford said that the snow removal situation has not gotten any better. Council has had the Municipal Civil Infraction codes in Committee since November. When to they expect to move forward with it?

Councilmember Benavides said that the Committee has not received the completed revisions they requested from the City Attorney's Office. The General Services Committee will meet one week from tomorrow and should be receiving the updates from the City Attorney by then.

City Attorney Smiertka said that one of the requirements of these code revisions was the establishment of a Municipal Violations Bureau in the Treasurer's Office and the acquisition of

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requisite computer components.

Mrs. Jadun told Mr. Leonard that the Public Service Department has stepped up their snow removal enforcement efforts. Four Officers are going out regularly, covering areas that complaints have been received on. The current process is to send officers out and then do a reinspection. If the violation has been cleaned up then a violation citation is not issued. The cost of taking these issues to court is very high. Also, by the time most of the cases get in front of a judge, the snow and ice have melted. Once the Civil Municipal Infractions Ordinances are passed this process will be much easier.

Councilmember Leeman asked Mrs. Jadun how many sidewalk cleaning machines the City has in it's possession. Mrs. Jadun answered that we currently have 3-4 machines that are at least 10 years old. They still function, but sidewalk snow removal is costly.

Councilmember Allen urged everyone who has a chronic violator in their neighborhood to report that person to the Public Service Department.

Diane Pendell of 4104 Seaway, with the Lansing Eaton Neighborhood Organization, and a member of the South Precinct Advisory Board, said that a Neighborhood Watch Survey was done in their area and incorporated into the Reorganization Report. The survey identified the community policing needs and goals of the neighborhood. It is not hard for citizens to get into contact with the Police Department and their Community Policing Representative. All they have to do is pick up the telephone.

Chief Boles reported that this initiative was undertaken just after the precincts were started. They developed a plan of action for the South Precinct, led by the efforts of Lieutenant Alley.

Joe Covello of 913 W. Saginaw registered a complaint about the snow piled around parking meters. People cannot get up to the meters to put their money in.

Mrs. Jadun reported that the parking enforcement personnel have the same problem as citizens attempting to park.

Mike Feldsberg, Deputy Director of Out Reach, for Congressman Dick Chrysler said that he is here to let people know that Congressman Chrysler is working pro-actively, doing outreach on safety issues. He is willing and happy to meet with any interested parties here tonight.

Shelly Meldrum of 1702 Boston Blvd. said that Police Officers are agents of the Community, not agents of the law. We should pass ordinances assessing the responsibility for the behavior of adolescents onto their parents.

Councilmember Allen reported that the City is trying to do many things with regard to youth. The new curfew enforcement program, a truancy program, a Youth Government Program. These are ways we can take a pro-active approach to reach out kids before they get into crime and gang situations. We can provide more recreational activities, which is one of the reasons we opened additional ice skating rinks this year.

Chief Boles said that his officers are active in all classrooms from K-12 in the Lansing School District, every year. They work with neighborhood youths through the Police Athletic League (P.A.L.) to reach adolescents and get them involved in sporting programs.

City Attorney Smiertka said that the City has ordinances dealing with parental responsibility and ordinances providing curfew times. Additionally there is a State statute dealing with contributing to the delinquency of minors. There are avenues to make parents responsible for the behavior of their children.

Councilmember Allen reported that the City is working more closely with the Board of Education to see how to form more partnerships and collaborative programs with them.

Councilmember Beal said that curfew and truancy violations are the two most important issues dealing with youth right now. The City's Curfew Enforcement Program has cut down a lot on kids being out late at night. Truancy is a very important factor and needs to be addressed. She will be working very hard to curb truancy this year. We need programs for all kids, because they are at risk. Middle School kids get out of school at 2:30 P.M. and are alone until their parents get home from work after 5:00 P.M. We need after school programming for them. We need to look at closing campuses at our High Schools, particularly for the underclassmen. We have to face these problems as a community and find creative ways to solve them.

Harold King of 1563 N. High criticized the article in today's State Journal, saying, the statistics they used are from 3-4 years ago. The North Town Neighborhood has made great strides since then. It takes the whole community to raise a child. The North Town Neighborhood has recently been recognized with 501.3C status and can now bring in programming to help teenagers. They are now working on the formation of a Little League.

Sandy Osterhout of 119 Gross Crt. asked who is in charge of City Street signs. She wants to get the words "PRIVATE STREET" taken off of her street signs. There are two businesses on her street and one of them has a Semi-truck that keeps parking on her street. This poses a safety hazard to her, as

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SHE HAS HEART PROBLEMS, AND IF AN EMERGENCY VEHICLE NEEDED TO GET TO HER HOUSE IT COULD NO DO SO WITH THE SEMI PARKED ON THE STREET. THE POLICE HAVE SAID THAT THEY CANNOT DO ANYTHING ABOUT IT, BECAUSE IT IS A PRIVATE STREET.

MRS. JADUN TOLD MS. OSTERHOUT THAT HER'S IS A COMPLEX PROBLEM, BECAUSE SHE LIVES ON A PRIVATE STREET. THEY NEED TO GET THE STREET ASSESSED AND DEEDED TO THE CITY. HER DEPARTMENT NEEDS TO MAKE A SITE VISIT TO THE AREA WITH THE TRANSPORTATION DIVISION AND THE ASSESSOR'S OFFICE TO BEGIN THE PROCESS OF GETTING THE STREET DEEDED OVER TO THE CITY. SHE WILL FOLLOW UP ON THIS REQUEST.

MARK MERRITT MERRILL OF 2931 VICTOR STATED HIS PLEASURE OVER THE TEAM POLICING IN HIS NEIGHBORHOOD. THE RESIDENTS FEEL SAFER, RESPONSE TIME IS QUICKER, AND RESIDENTS CAN NOW CONTACT A TEAM OFFICER AND REGISTER A COMPLAINT THAT WILL BE ADDRESSED AT A LATER TIME, IF NECESSARY, BY ANOTHER MEMBER OF THE TEAM. THIS PROGRAM IS THE NEXT BEST THING TO BEAT COPS.

JOHN TOBIN OF 1818 TODD ASKED IF THE FIRE DEPARTMENT WOULD CUT TWO FIRE ENGINES, OR JUST ONE.

CHIEF BODIFORD SAID THAT THEY HAVE A STUDY FROM A NEW YORK FIRM RECOMMENDING THE ELIMINATION OF JUST ONE ENGINE.

EWARD LIONS OF 6426 ROSEDALE SAID HE IS A SCHOOL CROSSING GUARD AND WOULD LIKE A TRAFFIC SIGNAL INSTALLED AT THE INTERSECTION OF GARDENIA AND MILLER ROAD. THERE ARE MANY CLOSE CALLS AT THE SCHOOL ENTRANCE BECAUSE OF THE VOLUME OF TRAFFIC COMING DOWN MILLER ROAD. TRAFFIC PICKS UP SPEED TO MAKE IT THROUGH THE LIGHT AT THE CORNER OF PENNSYLVANIA AND MILLER AND IT CREATES A SAFETY ISSUE AT HIS CORNER AT THE SCHOOL.

MRS. JADUN SAID THAT SHE WOULD INITIATE A TRAFFIC STUDY OF THE PHASING OF THE LIGHT AT THE CORNER OF PENNSYLVANIA AND MILLER. PERHAPS THE PHASES OF THE LIGHT NEEDS TO BE LENGTHENED OR SHORTENED.

IVAN CLYMO OF 6141 BEECHFIELD SPOKE REGARDING THE LACK OF TICKETS BEING ISSUED TO HANDICAPPED PARKERS.

MRS. JADUN SAID THAT STATE LAW HAS CHANGED WITH REGARD TO HANDICAPPED PARKING. IN THE FUTURE HANDICAPPED PARKERS WHOSE STICKERS DO NOT CONTAIN A SPECIAL DESIGNATION PARKING STAMP WILL BE TICKET. IT WILL BE ANOTHER 1-1 ½ YEARS BEFORE THIS NEW POLICY HAS BEEN IMPLEMENTED.

PAUL SCOTT OF 412 W. KILBORN STATED THAT IN THE PAST HE HAS BEEN AN OPPONENT OF THE POLICE DEPARTMENT REORGANIZATION, HOWEVER, HE NOW SUPPORTS THE REORGANIZATION BECAUSE COUNCILMEMBER BAUER TOLD HIM ABOUT A SEMINAR THAT HE ATTENDED THAT HAS CHANGED HIS OPINION. HE SUGGESTS THAT THE POLICE DEPARTMENT CONCENTRATE MORE ON DISTRICTS THAN PRECINCTS, AND THAT THEY EMPOWER THE RESIDENTS TO ASSIST THE POLICE, AND TO ENHANCE CURFEW AND TRUANCY ENFORCEMENT.

SHERRI ECK OF 928 N. SYCAMORE ASKED WHAT IS GOING TO BE DONE TO GET MORE YOUTH PROGRAMS ON HER SIDE OF TOWN, WHERE THEY ARE DESPERATELY NEEDED?

CHIEF BOLES SAID THAT THERE IS NOTHING SLATED FOR THAT AREA, RIGHT NOW, OTHER THAN THE NEW ICE RINK. HE SAID THAT THIS WEEK IS DARE WEEK, AND THERE ARE DARE CLASSES GRADUATING ALL OVER THE CITY. IT IS IMPORTANT FOR CITIZENS IN ALL OF THE TEAM AREAS TO BECOME INVOLVED. THE POLICE DEPARTMENT IS INTERESTED IN DISTRICTS AS WELL AS PRECINCTS.

MAYOR HOLLISTER SAID THAT HIS ADMINISTRATION IS INVESTIGATING THE IDEA OF A NORTH PRECINCT THAT COULD BE USED FOR PAL ACTIVITIES.

COUNCILMEMBER LEEMAN SAID THAT HE WOULD LIKE THE NORTH PRECINCT TO REPRESENT WARD #1 COMPLETELY. THE PROPOSALS HE HAS SEEN WOULD LEAVE SMALL PORTIONS OF THE FIRST WARD OUT OF THE NORTH PRECINCT, AND HE WOULD LIKE TO SEE THEM INCLUDED.

BRIAN BURDETTE OF 2901 MERCY LN. ASKED WHY IT IS THAT ONLY THE MAIN STREETS IN LANSING GET PLOWED.

MRS. JADUN RESPONDED THAT THE CITY USES PRIORITY SCHEDULING WITH REGARD TO THE CLEANING OF CITY STREETS. THEY DO NOT GO INTO LOCAL STREETS UNLESS THERE HAS BEEN AT LEAST 4 INCHES OF SNOWFALL. WE HAVE ONLY SO MUCH FUNDING TO DO PLOWING WITH AND MUST OPERATE WITHIN THE BUDGET.

CAROL WOODS OF 1010 W. LAPEER SAID THAT SHE LIVES ONLY BLOCKS FROM THE CAPITOL. THE NEWSPAPER ARTICLE IN TODAY'S STATE JOURNAL WAS IRRESPONSIBLE, YELLOW JOURNALISM. THEY SHOULD NOT HAVE USED THE STATISTICS, THEY WERE 4-5 YEARS OLD. THIS NEIGHBORHOOD HAS TURNED AROUND A LOT AND THAT ARTICLE WAS NOT FAIR TO THEM. SHE ASKED CHIEF BOLES WHEN THE FLEX HOURS WOULD BE CUT FOR COP'S? AND, WHAT ARE THE PLANS FOR RENOVATION OF THE CURRENT POLICE BUILDING?

CHIEF BOLES SAID THAT THERE WOULD BE NO CHANGE IN THE FLEX TIME PROCEDURES. TRAINING HAS BEEN TURNED OVER IN EVERY COP OFFICER THIS YEAR. THEY ARE STILL SENDING THEM TO SCHOOLS AND DOING IN HOUSE TRAINING SESSIONS. THEY RECOGNIZE THE NEED TO EXPAND THEIR COMMUNICATIONS, AND WILL DO A SERIES ON CHANNEL 28, WITH MAPPING THROUGHOUT THE CITY AND TEAM MEMBERS PUTTING INFORMATION OUT. WITH REGARD TO THE RENOVATION OF THEIR BUILDING, THEY NEED TO GET SOME OF THE PEOPLE AND SERVICES OUT OF THE BUILDING BEFORE THEY CAN COME BACK AND DO RENOVATION OF IT.

ALFREDO FRANCO OF 226 W. GIER SAID THAT HE WORKS FOR THE LANSING SCHOOL DISTRICT. HE IS CONCERNED ABOUT THE INTERSECTION AT GRAND RIVER AND WALNUT NEAR THE WALNUT SCHOOL. THERE IS NO CROSSING GUARD AT THIS INTERSECTION. A LOT OF KIDS CROSS AT

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this intersection. He talked to the Principal of Walnut School about getting crossing guards and wants to know what City Council can do to help.

Emma Berry of 1714 Donora stated that she is not here to complain. She attended the Reorganization Evaluation meeting at Moores Park School and felt bad to hear some of the people complain so about what the Police Department is, or is not doing. Residents of this City need to get more involved in neighborhood groups. She urged all residents to attend their neighborhood meetings. She is involved in the South Side Precinct Advisory Board. She thanked Councilmembers Beal and Leeman for always being there when they are needed.

Mildred Lyon of 131 E. Kilborn asked whose responsibility it is to enforce the noise ordinance. Police Officers do not respond to calls from citizens regarding this ordinance. Barking dogs and continuous loud noise affects the quality of life and right to privacy in your own home.

Chief Boles affirmed that noise ordinance violations are often a low priority call. He hopes this will change with the reorganization and positive enforcement techniques so that these complaints can be referred to the City for prosecution. He asked Ms. Lyon to leave her phone number so that he can contact her regarding this problem.

City Attorney Smiertka said that Citizens can come into his office on Tuesdays and Thursdays to register complaints of this nature. Complaints about neighborhood problems and neighborhood issues are priorities in his office. An emergency situation can always be called in, however, a general nuisance complaint can be registered by visiting the 5th floor Law Department every Tuesday/Thursday.

Mark Eggleston of 4001 Heathgate thanked Council for adopting the new Council Policies. This type of proceeding held tonight will be very helpful to the residents of Lansing. He reported doing a study that showed that most residents feel the need for increased police patrols in neighborhoods and better response time. He asked where the City stands on the replacement of Police Officers who have retired. Mark Alley, he said, is doing an excellent job. He said that the City needs to trim the mature tree branches that are hanging over the electrical lines, particularly near Poxson Street. He supports the installation of stop signs in neighborhoods, and asked Councilmember Benavides to check into the situation with the traffic light at the intersection of Holmes and Catherine to see if the phasing could be changes to make it possible to make a left turn onto Catherine.

Councilmember Allen said that the proper procedure is to circulate a petition and get signatures from a percentage of the neighborhood residents. The Public Safety Committee is looking at other ways to control neighborhood traffic, such as the use of speed bumps. They hope to have a pilot project in this year's budget to see how this technique would work.

Chief Boles answered Mr. Eggleston's questions about filling of vacant Police Officer Positions by saying that they have staffed 6 such positions in the past month and will make further job offers in January.

Joan Madden of 6141 Beechfield, Apt. #211 said that the Beechfield Community Police Command Unit has not been in her neighborhood for at least two weeks. In that period of time they have had two drug related incidents, as well as stabbings.

Chief Boles advised Ms. Madden that this Neighborhood Group must keep up their efforts. He was not aware of the two incidents she mentioned. Her best bet is to stay in contact with the Team Officers. There is a certain amount of transition in some of the Team areas and his department needs to keep the neighborhoods advised about them. He asked her to call Lieutenant Webster.

Allen Thorpe of 423 N. Sycamore spoke regarding the State Journal article in today's paper about crime in Lansing. This article mentions nothing about what has been happening recently in this Neighborhood because of the community policing program and the code compliance efforts. He is the Executive Director of the Lansing Housing Coalition. He expressed his hope that Betsy Minor plans a series of articles on the corrective actions that have been and still are being taken in this area. This is not a motivational article, it is defeating.

Gary Linn of 121 S. Foster asked why the City of Lansing can charge him for not shoveling his sidewalk, if he cannot charge the City for not shoveling his street?

Mrs. Jadun repeated her earlier remark that the roads are plowed according to a priority system and the City does it's best with the resources available to it. Pedestrians do need to be able to get around on sidewalks.

John Davis of 6141 Beechfield, Apt. #419 said that he wants to see more Police Patrols. He asked how the drug dealers can be gotten out of the Beechfield Apartments if the landlords will not do anything about it. He saw two drug deals last weekend.

Chief Boles said that if the Police can build a case against a drug dealer the landlord cannot do anything about it. He is trying to work with the Beechfield Apartment Management Co., which is not even located in the United States, but in Canada. He advised Mr. Davis that the residents must keep working with the Police and the City to clean up this

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problem. He asked Mr. Davis for the time of day and building number that the drug deals occurred in so that he can follow up on it.

Lloyd Teets of 116 E. Elm St. said that a lot has been said here tonight, but what will be done about it? This format is a wonderful idea, but what is Council going to do about the problems they uncovered here tonight?

Councilmember Allen responded that one of the reasons for this meeting was to get input from the neighborhoods and citizens perceptions of what a safe city is, and what Lansing needs to do to make itself a safe city. They wanted to give this panel and the Committee an opportunity to address some of these issues. Council will continue to hold these types of meetings. The theme heard here tonight is encouraging and positive. The people of Lansing are willing to give changes an opportunity to work. The Police Department has gone through changes, now the Fire Department will go through some changes, however, they will work. Mrs. Jadun was handed a City whose infrastructure was in big trouble, which she is trying now to deal with. She thanked the viewing audience and the audience present in chambers tonight for their participation.

Council President Jones retrieved the gavel from Councilmember Allen and thanked her for chairing the preceding portion of tonight's meeting. He thanked Chief Boles, Chief Bodiford, Mayor Hollister, Mr. Sykes and Mrs. Jadun for their assistance tonight. It is time, he said, that government listen to the concerns of the people and take constructive action.

By Councilmember Beal

"That the Committee of the Whole do now rise"

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Lilly; an Editorial from the Detroit News regarding the City of Lansing Stormwater Enterprise Fund

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

2. From Councilmember Lilly; a letter from the Genessee Neighborhood Association regarding the Black Child and Family Institute

REFERRED TO THE MAYOR AND THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

3. From Councilmember Lilly: a letter from Carol Wood regarding the Black Child and Family Institute

REFERRED TO THE MAYOR AND THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

4. From Councilmember Leeman; a letter to Planning Manager, Eleanor Love, regarding rezoning in the Riverpoint Neighborhood

REFERRED TO THE MAYOR AND THE PLANNING BOARD

MOTION OF EXCUSED ABSENCE

By Councilmember Lilly

To excuse Councilmember Novak from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

Gerald Rowley of 737 N. Pennsylvania said that he applied for a rezoning on a piece of property across the street from his house. He was denied by the Planning Board. He requests that Council reverse their decision.

Harold King of 1563 N. High St. said that the plans he has seen for the Bancroft Park and Groesbeck Golf Course show most of the park to be taken up by the golf course. He asked Council to monitor this issue to see that their neighborhood retains their parkland.

Lloyd Teets of 116 E. Elm St. protested the removal of the Citizens Comment on Agenda Items that is supposed to be on the agendas. He has questions about the Board of Water & Light well sites and on the stormwater authority. Council should not sit on the stormwater enterprise fund fees until getting the ruling from the Attorney General. They should take today's article in the Detroit News seriously. They need to do something about this issue one way or the other.

Paul Scott of 412 W. Kilborn thanked Council for the phone-in capability of tonight's meeting. He was surprised by the number of calls they received. This was an effective tool and will attract more people and Get them involved. He requested that Councilmembers go look at the remodeling taking place at the corner of Grand River and Washington Ave. at the Elbinger Studio. This is an Historic District, however, the remodeling is not in character.

Bernie Sinclair of 4906 Alpha stated that he has called Councilmember Beal many times with no response from her. He predicted that the issue of the Stormwater fee/tax will be settled in Court. In the meantime, he asked, what are people who are on a fixed income to do? This is unfair to them. Council will have to change their minds about this. He asked Councilmember Beal to do him the courtesy of returning his phone calls.

COUNCILMEMBERS COMMENTS

Councilmember Beal stated that she has distributed

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Councilmembers invitations to community functions at their places on the dais. She asked her colleagues to determine if they wish to attend the functions and inform Council Staff prior to leaving tonight. She told Mayor Hollister that there was no grooming of the Sycamore Ice Skating Rink over the weekend. Weekends should be given priority in terms of grooming the rinks, as that is when they receive the most use.

Councilmember Leeman read the Public Services Committee agenda. He reported on his activities for the week.

Councilmember Jones announced that citizens who would like to serve on the Ad Hoc Housing Committee to have their applications to him by this Wednesday.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener had no comments

ADJOURNED 9:30 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS FEBRUARY 5, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

APPROVAL OF MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of June 5, and June 12, 1995, and the Printed Proceedings of January 29, 1996

Carried unanimously

By Councilmember Lilly

That the Printed Proceedings of May 30, 1995 be amended to include a list of names of the Students who received Certificates of Recognition for Outstanding Academic Achievement, and that the minutes be approved as amended

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a letter from the Eastside Neighborhood Organization stating their opposition to SLU-14-95, 223 S. Pennsylvania, Special Land Use petition filed by Highfields, Inc.

2. From Councilmember Lilly; a letter from Kristi Dege of 1017 Prospect stating her opposition to SLU-14-95, 223 S. Pennsylvania, Special Land Use filed by Highfields, Inc.

3. From Councilmember Lilly; a Resolution appointing Councilmember Novak to the Economic Development Corporation Board of Trustees for a Term To End June 31, 2000

SPECIAL CEREMONIES

A. Councilmember Allen accepted a Check in the amount of $5,000 from Dolores Kramer of the Forest View Neighborhood Association as a down payment for their repayment of City appropriated funds to pay for Bison Fencing at Fenner Arboretum. The number to call if you wish to make a donation to the Bison Fencing Fund Raiser, or to volunteer your help to raise funds, is 882-8144.

PUBLIC HEARINGS

A. In consideration of the Sale of Priggooris Property Located in Bath Township

Chuck Abraham of 431 S. Capitol stated his interest in acquiring this property, which consists of an 80 acre parcel. He proposed to have the property rezoned into a "D" Development District from it's current residential use. He hopes to develop an apartment complex on this site.

Mark Clouse of 4660 S. Hagadorn, spoke on behalf of the Eyde Company, saying, they are interested in acquiring this property and have been for over 7 years. They originally indicated their interest in this parcel to the City seven years ago. They have worked with Bath Township on several different projects in the past seven years, including the development of a Township Water System. They propose to develop this property with both residential and commercial uses.

Lloyd Teets of 116 E. Elm St. spoke in support of the sale of the property, saying, the money could be used for the betterment of City Parks.

Councilmember Leeman stated that he has learned from the superintendent of Bath Township that they have mailed a letter to the City Clerk regarding the disposition of this parcel.

Councilmember Lilly said that this proposal will be on the agenda of the Physical Development Committee at their regularly scheduled meeting on February 13, 1996. The Bath Township letter will be placed on the City Council Agenda for next Monday and referred to the Committee on Development and Planning.

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REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In consideration of SLU-11-95, 3016 Risdale Ave., Special Land Use Request filed by Patti L. Holland to allow for construction of an addition onto her present Residential Care Facility

John Gormley of 509 E. Middle St. in Williamston, representing Patti Holland the petitioner in this case, spoke in support of the special land use petition.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

C. In Consideration of SLU-14-95, 223 S. Pennsylvania Ave., Special Land Use Request filed by Highfields, Inc. to allow for development of a Residential Care Facility for up to 10 Male Youths aged 13-19

Hasna Gemple of 1526 Knollwood spoke in opposition to this special land use request. She asked what type of kids would be living in this care facility. If they are criminal or delinquent, it is not appropriate to have this type of use in the neighborhood.

Susan Boyd of 1039 Toulaine in E. Lansing, the Probate Court Administrator for Ingham County, spoke in support of this special land use request. The youths that would be placed in the facility have a high percentage of successful rehabilitation.

Eleanor Love, Zoning Administrator for the City of Lansing explained that placements for this facility would come through Camp Highfields and the Ingham County Probate Court System. She stated that Highfields has applied for this special land use in order to increase the allowable maximum capacity for a home of this type. They could put the residential care facility in at this location without the special land use, providing they kept the maximum occupancy to 6 youths. This SLU is just to allow a larger occupancy level. The Planning Department has been working with Highfields to identify alternate properties throughout the City.

Cherryl Valleau of 226 S. Eighth St. said that the request for this special land use was filed by the owners of the property, Mr. and Mrs. Bunkley, not Camp Highfields. The Bunkleys' would be entitled to keep the use, if granted, whether Highfields was located there or not. The youths that would be placed in this facility would not necessarily be from Ingham County. They could be from all over the State. There have been group homes in this neighborhood in the past and they created problems for the residents. The kids of the residential families co-mingle with the kids from the group homes and pick up information they should not have. Additionally, this building is not large enough to house 10 boys. She requested that the petitions, both in support and in opposition, that have been submitted be monitored carefully. Some of the people who signed the petitions supporting the SLU did so because they were misled about the nature of the facility, and later signed the petition opposing the usage.

Mary Clark of 223 S. Eighth St., a member of the Green Oaks Association, said that this neighborhood has been identified as a high risk High needs neighborhood. They are at high risk for crime and for economic disadvantage. Their Association has worked to address these needs. They do not feel that this request is a positive proposal for their at-risk neighborhood. It would tax resources that currently exist at a level too low to meet existing needs.

Cliftine Bunkley of 5207 Renee St. said that this project is a joint venture between Camp Highfields and she and her husband. Contrary to the report by the Planning Board, this residential care facility meets all of the criteria required to be granted a special land use permit. There are other non-conforming units in this neighborhood. It is unfair that the Planning Board did not approve their request, when they approved all of the other requests on their agenda. She questioned the motivation for the denial of their request. She has received letters of support from neighborhood watch associations in this area. Council, she said, has a moral responsibility to the children who will live in this care facility to vote yes on their special land use petition.

Jim Hines Vice President of Highfields, Inc. 3400 S. Cedar, said that he gave a tenant outline to the Planning Board last fall and will attempt to summarize that document here tonight. These youth will be deemed appropriate and ready for supervised community living by Ingham County Probate Court and by Camp Highfields Personnel. Judgements will have been made by the court that these youths can live in the community and these judgements will have been supplemented by evaluations by Highfields Personnel. Additionally, these youths will be in a position in which they will have no family that they can live with, or that is appropriate for them to live with. This facility will be staffed by 10 staff members of Highfields, Inc. They will be trained commensurate with the staff at their current facilities. Their staffing pattern exceeds the licensing standards for programs of this type. It matches, or exceeds, the staffing

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patters of other programs working with these kinds of kids throughout Michigan. These kids will be active in community service. They will work, both in house and through outside employment, they will be in public schools to some degree, they will have in-house tutoring and in-house recreational programs. They will have the use of the gymnasium at Old Everett High School and will be learning domestic responsibility as well. They have had meetings with Eastern High School and Pattengill Junior High School to discuss what stresses might be put on the schools and how Highfields can work with them to relieve these stresses. Highfields has worked with kids for 30 plus years.

Councilmember Leeman asked Mr. Hines why Highfields insists on exceeding the maximum occupancy level allowed by law? If they kept their occupancy to 6 they could put this facility in without a SLU. He noted that all of the neighborhood groups oppose this request.

Jim Harken of 315 Bingham reported inquiring into the turnover of staffing at these types of facilities and about their training levels. He stated that he spoke to a group home not affiliated with Highfields and was dismayed by what he learned. This petition is all about economics. Their main concern is not with the welfare of the kids they will care for, it is with their financial situation. He said that this neighborhood has the right to hear what kinds of crimes the kids that will be placed in this facility have committed. One block away from the proposed site of this facility is the Quality Dairy Store. This store has more crime at it's site than any other location in the neighborhood. One year ago a murder took place at this store.

Judy Hackett of 625 N. Pennsylvania said that the density in their neighborhood needs to be reduced, not increased. That is the only way to reduce crime and improve their neighborhood. She stated her opposition to this request.

Beth Boyce of 627 N. Pennsylvania spoke in opposition to the special land use request. The corridor between the Quality Dairy Store and Eastern High School is already a troubled corridor. The lot that this building occupies is not large enough for 10 youth.

Deborah King of 1210 Prospect, Recording Secretary for the ABC Neighborhood Association, spoke in opposition to this special land use request.

Vergil Pinckney of 125 S. Pennsylvania said that he is confident that Highfields will contribute to the stability and growth of this neighborhood. He supports their request.

Lloyd Teets of 116 E. Elm St. said that neighbors are always scared of change. Lansing has become a dumping ground for residential care facilities because of the affordability of housing here. We have more than our fair share of this type of facility. Council, he said, should make a policy not to grant these requests to increase facility size from 6 to 10.

Roger Pohl of 2840 Norwich Rd., Pastor of Pilgrim Congregational United Church of Christ, said that the Bingham Association is one of the most important un-told stories in Lansing. This has been a difficult issue for ABC. In the monthly ABC meetings Highfields has been very cooperative.

Councilmember Leeman asked Pastor Pohl where his personal residence is and if Highfields had ever indicated that they were amenable to reducing the occupancy to comply with current legal usage.

Michael Murphy, Pastor of St. Stephens Community Church and a Member of the Board of Camp Highfields, said that he has worked with the personnel of Highfields and with Mayor Hollister on this project. Less than ½ mile away from this site is the site of the old Boys Training School that housed young men with all different backgrounds from all over the State of Michigan. These are kids that the Judges and Courts and Social Training Personnel believe can be saved. He welcomes Camp Highfields into the Community. The City, he said, has to have a more welcoming attitude when they try to bring Camp Highfields into the City to help put youngsters back out into the community.

Carl Latona of 3400 S. Cedar St., President of Camp Highfields, said that they were approached two years ago for this project by Ingham County Probate Court and the Ingham County Board of Commissioners with concerns about teenage early intervention and on past programs for youth that were in trouble and needed supervision. They (Highfields) then met with the Bunkleys' and with the neighborhood associations. Originally, they applied for an 8 bed facility, but Ingham County Department of Social Services, who will be funding the project, requested that they add two beds for respite. These kids are not being brought into this Community, they were already living in the community. Highfields operates nine programs like this. Only 1 of their programs is in Onondaga, the remaining 8 facilities serve the City of Lansing. Their Breakthrough Program has worked with every Community School in the County. There are only two ways for kids to get referred to this facility. Through Ingham County

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Probate Court and through Ingham County Department of Social Services.

Paul Scott of 412 W. Kilborn said that he spoke against this request at the Planning Board level. He lived in this neighborhood for three years. This facility will not make the neighborhood more attractive, nor will it increase home ownership. Because of it's affordable housing, Lansing is the Center for Adult and Foster Care Facilities.
Annette Harkin of 315 Bingham St. said that if Council wants to do something to help children, they should start with the children of Lansing. Lansing Schools are dumps, how can kids be proud of them?

Kathy Langschwager of 1328 Prospect stated her opposition to this facility being developed so close to Eastern High School. She serves on an elective position to the Lansing School Board and stated that she does not know one Teacher in Lansing who would welcome these kids into their classrooms.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

William Hubbel on W. Holmes Rd. said that the address for ACT-27-95 is 2700 W. Holmes Rd. and is stated incorrectly on the Agenda as 1700. He does not believe that this is a vacation. It is simply moving the easement from one place to another.

Lloyd Teets of 116 E. Elm St. spoke regarding the contents of the Minutes filed by the Board of Water & Light from their December 9, 1995 meeting. He urged Council to make sure that all appointees to the Lansing Entertainment Public Facilities Authority (LEPFA) are Lansing residents.
Ed Simmer of 609 Dyer St. spoke in support of the construction of a South Side Community Center. If the City can build a new Baseball Stadium and the Lansing Center, why can we not afford to build a center for the residents of South Lansing.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Notice of Child Foster Family Group Home License issued to Joseph & Patricia Bates at 6220 Gardenia

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Treasury of receipt of a request by the City of Lansing for Revocation of Industrial Facilities Exemption Certificates #82-229 and 85-389 held by Motor Wheel Corp.

REFERRED TO THE MAYOR

C. Letter from Citizens for a Better Lansing in support of the Appointment of Carol Wood to the Board of Police Commissioners

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SAFETY

D. Petition signed by 39 residents of Coulson Crt. requesting denial of SLU-17-95, Vacant Property at the end of Coulson Crt.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

E. Z-01-96, 1405 Center St., Rezoning Petition from "H" Light Industrial to "C" Residential Districts filed by Scott McLain of 1405 Center to bring the zoning into compliance with the land use in order to secure mortgage financing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

F. Letter from Attorneys on behalf of Woodside E & D, LLC notifying Council of their intent to convert Bardaville Apartments located at 3232 and 3233 Bardaville into Condominiums

REFERRED TO THE MAYOR

G. Notice from the State of Michigan Public Service Commission of a Hearing for the Customers of Consumers Power Co. Case #U-11012 on February 14, 1996

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister announced that the deadline for application to the Neighborhood Grant Program is Friday February 16, 1996 at 4:00 P.M. Any community group is eligible. Please get your applications in by the deadline. He reported that there will be a regional economic development Forum on Thursday, February 15, 1996 at the Kellogg Center FROM 7:30 a.m. to 2:00 P.M.

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CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letter from the City Clerk submitting request for Local Legislative Approval of a Special Liquor License on a Military Installation submitted by VFW Post #701 for an event to be held at the Marshall Street Armory on February 17, 1996

HANDLED AS RESOLUTION #018

February 2, 1996

Council President Howard Jones and
Lansing City Councilmembers

Attached you will find an application filed with the Michigan Liquor Control Commission by Morley S. Oates VFW Post 701 for a Special License for Sale of Beer and Wine on February 17, 1996 at the Marshall Street Armory.

This office respectfully requests that you review the application and attachments and bring this matter to a vote before the Council. As noted, the applicant requires this resolution for an event scheduled for February 17, 1996.

Thank you for your prompt consideration.

Respectfully submitted,

Marilynn Slade
Lansing City Clerk

RESOLUTION #018

By Councilmember Benavides

To accept the above license application as recommended by the City Clerk and place an affirmative roll on the request for Special License for February 17, 1996 at the Marshall Street Armory.

Carried unanimously

C. Financial Statements and Independent Audit Report Thereon for:

-54-A District Court
-Lansing Building Authority
-Sewage Disposal System Fund

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

D. Letter from the Lansing Center submitting Interim Financial Statements for the Greater Lansing Convention/Exhibition Authority for the Quarter ended December 31, 1995

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

E. City of Lansing Board Evaluations submitted by:

-Board of Police Commissioners
-Building Board of Appeals
-Board of Fire Commissioners
-Park Board

RECEIVED AND PLACED ON FILE

F. Letters from the Mayor re:

1/ Proposal regarding the Lansing Boys and Girls Club

REFERRED TO THE COMMITTEE OF THE WHOLE

2/ Transfer of Funds: Fire Dept., Police Dept.,

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Appointment of Robert L. Pohl to the Board of Review for a Term to Expire June 1998

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Appointment of Kenneth G. MacDonald to the Board of Review for a Term to Expire June 1997

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Grant Application of 1996 Parks and Recreation Projects

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Z-19-95, 601 E. Michigan Ave., Rezoning Petition

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7/ Z-21-95, 2817 E. Mt. Hope Rd., Rezoning Petition

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

8/ Potter Park Zoological Society list of Events from 1995

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REFERRED TO THE COMMITTEE ON WAYS AND MEANS

G. Letter from Councilmember Allen submitting the South Side Community Center Committee Report

REFERRED TO THE COMMITTEE OF THE WHOLE

COMMITTEE REPORTS

RESOLUTION # 019

REPORT OF COMMITTEE
THE COMMITTEE ON PUBLIC SERVICES, investigating complaints from members of the Gier Advisory Board about physical needs at the Gier Park softball complex,

REPORTS AS FOLLOWS: The Committee received a verbal report from Phil Dorland, Assistant Director of Parks and Recreation. The Chairperson shared concerns about ballfield lighting, score boards, concessions and restrooms. The Committee requested a report from the Parks and Recreation Department identifying construction and repair needs at the softball complex, highlighting each as either a short- or long-term project, including a feasible timetable for action. The report is requested in time for the Committee meeting on February 14. In addition, funding for critical electrical work at the softball complex is pending in the Committee on Ways and Means. The Committee on Public Services requests that this matter be given prompt attention, so that the needed work can be completed before the softball season begins. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

CONSENT AGENDA ITEMS

RESOLUTION #020

By Councilmember Beal

To place an affirmative roll on all Consent Agenda Items

By Councilmember Lilly

To pull Item XI-A5, resolution approving ACT-27-95, and refer it back to the Committee on Development and Planning, and to pull items XI-C1, Committee Report regarding meetings with the Ingham County Board of Commissioners, XI-F1, Resolution Approving Transfer of Funds, and XI-F2 Resolution Approving Evening Parking Rates during Baseball Events, and vote on them separately following the passage of consent items.

Carried unanimously

Councilmember Beal's motion for affirmative roll on the remaining Consent Agenda Items was:

Carried unanimously

RESOLUTION #020A-1

REPORT OF COMMITTEE
THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred the proposed sale of City-owned property at 119 North Washington Square, commonly known as the Washington Square Annex to City Hall,

REPORTS AS FOLLOWS: The Committee heard presentations from representatives of Vlahakis Realty and The Granger Company, both of which submitted offers of $930,000 to purchase the property. To date, the Council has not received a recommendation from the Mayor on which offer to accept. The Committee requests the Mayor's recommendation for discussion at the next meeting on February 6, 1996.

Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

RESOLUTION #020A-2

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in Resolution #69 adopted on February 15, 1988, the Lansing City Council authorized the disposal of two lots on Kenbrook Road, City of Lansing, Ingham County, Michigan; and

WHEREAS, the adjacent property owners to said Kenbrook Road lots were contacted and expressed no interest in purchasing said abutting properties; and

WHEREAS, the City's Development Office advertised the lots f or sale by bid process; and

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WHEREAS, the sale of unneeded city property in residential areas helps to encourage the rehabilitation of the residential neighborhood, eliminates a negative living environment, provides an opportunity for improved land use in the neighborhood; and

WHEREAS, Donald A. Custer and Virginia L. Custer, husband and wife, of 2801 Greenbelt Dr., Lansing, Michigan were the high bidders for the two lots with a bid totaling, $100.00;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorize the sale of the properties described as:

> Lots 35 and 36 of Kenbrook Subdivision, City of Lansing, Ingham County, Michigan

by quit claim deed to Donald A. Custer and Virginia L. Custer, for the sum of One Hundred and no/100 Dollars ($100.00) plus all incidental closing costs.

BE IT FINALLY RESOLVED that the Mayor is authorized to sign and execute all necessary documents to effectuate the sale and transfer of the property, subject to their prior approval as to form by the City Attorney.

RESOLUTION #020A-3
BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
SALE OF LOT 6, OF THE R.E. OLDS PLAT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing intends to sell Lot 6, of the R.E. Olds Plat for the purpose of redevelopment; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances, information regarding the proposed sale of the property to Share Mid-Michigan, Inc. has been on file with the City Clerk in excess of thirty (30) days; and

WHEREAS, a Public Hearing regarding the sale of this parcel was held on December 11, 1995; and

WHEREAS, agreements for the sale and development of the property have been prepared and are in a form acceptable to the City Attorney, and provide for sale at the stipulated price of $16,000.00/acre for the total sum of $84,624.00; and

WHEREAS, the agreements for the sale of this parcel include development in compliance with the zoning district and the Southeast Area Master Plan;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council authorize the execution of the agreements which have been on file with the City Clerk, and the sale of Lot 6, of the R.E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36, and 37, containing 5.289 acres to Share Mid-Michigan, Inc., for $84,624.00, subject to approval by the Michigan Department of Natural Resources of the party that will occupy and utilize the property as proposed.

BE IT FINALLY RESOLVED the mayor is authorized to sign and execute all necessary documents to effectuate the aforestated transaction, subject to their prior approval as to form by the City Attorney.

RESOLUTION #020A-4
BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan State Housing Development Authority sponsors the Rehabilitation Assistance Program (RAP), a deferred payment loan program that provides loans of up to $15,000 and forgiven over a ten (10) year period to very low income families to make improvements to their homes; and

WHEREAS, the RAP is available for use only in neighborhoods participating in the MSHDA sponsored Neighborhood Preservation Program (NPP); and

WHEREAS, the Green Oaks Neighborhood meets the requirements of the NPP and is designated by MSHDA to participate in the Program, and other neighborhoods in the City are also seeking designation to participate in the NPP; and

WHEREAS, the Green Oaks Neighborhood and other neighborhoods seeking to participate in the NPP are desirous of utilizing the RAP to improve the condition and quality of owner occupied homes in their neighborhoods; and

WHEREAS, the City wishes to utilize the RAP in combination with its own CDBG and HOME financed homeowner improvement loan programs as a means of leveraging these funds; and

WHEREAS, pursuant to RAP requirements, the City must formally apply to participate in the program as a RAP Agent, and state in a resolution passed by the City Council that it wishes to participate in the RAP and work with

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MSHDA to implement and administer the Program;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby authorizes the Mayor, as the City's Chief Executive Officer, to apply for participation in the RAP and to have the City designated as a RAP Agent to implement and administer the Program.

BE IT FINALLY RESOLVED that the Mayor is authorized, as the official representative of the City of Lansing, to provide any and all information to be included in the application, and to execute all agreements and legal documents with MSHDA that may be required to participate in and implement the RAP subject to their prior approval as to form by the City Attorney.

RESOLUTION #020B-1
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated $20,000 in the FY96 General Fund Budget to create an account to pay certain costs of use of the Lansing Center by community organizations; and

WHEREAS, the Committee on General Services has reviewed a request for payment of such costs from the Lansing Neighborhood Council, which will host the ninth annual Bea Christie Award dinner on February 16, 1996, and has asked for $300.00, or half of the cost of renting the Lansing Center; and

WHEREAS, the Committee recommends that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a charge of $300.00 to account #101-173901-741200-0 toward the cost of Lansing Center rental charges for the Bea Christie Award dinner; and

AND BE IT FURTHER RESOLVED the Clerk is requested to forward this resolution to the Finance Director for action.

RESOLUTION #020B-2
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Child Benefit Fund, Inc., has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes Child Benefit Fund, Inc., as a non-profit organization operating in the Lansing community; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the applicant.

RESOLUTION #020C-1
REPORT OF COMMITTEE
BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

TO WHOM WAS REFERRED: Consideration of a Committee liaison to the Capital Region Airport Authority.

REPORTS AS FOLLOWS: The Committee designates Councilmember Harold Leeman, Jr., as the individual to serve as the liaison between the Committee and the Airport Authority. Mr. Leeman will keep the Committee apprised regarding Authority matters.

SIGNED

Councilmember Joan Bauer, Chair
Councilmember Paul Novak, Vice-Chair
Councilmember Harold Leeman, Jr., Member

BY COUNCILMEMBER BAUER.

That the Report of the Committee be Adopted.

RESOLUTION #020C-2
REPORT OF COMMITTEE
BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

TO WHOM WAS REFERRED: The task of reviewing the possibility of regionalizing several City services.

REPORTS AS FOLLOWS: The Committee's plans to make recommendations to the City Council in 1996 regarding the regionalizing certain City services as outlined below:

1. Potter Park Zoo.
2. Cost Reimbursement for Hazardous Materials, Response Services, and other Services of the Lansing Fire Department.
3. Senior Citizen Activities.
4. Recycling Services.
5. Library Services.,
6. 911 Services.

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The Committee will make recommendations to the Council as to how several City functions can be supported regionally. The potential cost savings to the City will also be attached to the Committee's report.

SIGNED

Councilmember Joan Bauer, Chair
Councilmember Paul Novak, Vice-Chair
Councilmember Harold Leeman, Member

BY COUNCILMEMBER BAUER.

That the Report of the Committee be Adopted.

RESOLUTION #020C-3

REPORT OF COMMITTEE

BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

TO WHOM WAS REFERRED: The matter of improving communication with the Lansing School Board throughout 1996.

REPORTS AS FOLLOWS: The Committee Chair will communicate with the Lansing School Board President and Members of the School Board's Intergovernmental Affairs Committee to schedule a mutually agreeable meeting date and time to discuss issues of mutual concern and to work on keeping the communication lines open between the Lansing School District and the City of Lansing.

SIGNED

BY COUNCILMEMBER BAUER

That the Report of the Committee be Adopted.

RESOLUTION #020D-1

REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the Program evaluation of the Juvenile curfew Enforcement and Counseling Program,

REPORTS AS FOLLOWS: The Committee reviewed the Program Evaluation, which was prepared by Murdock Jemerson of the Parks and Recreation Department, and is attached to this report. The curfew enforcement program, which operated from June 12 through September 3, 1995, was a coordinated approach to the problem of curfew violations. The Parks and Recreation Department, the Police Department, and Gateway Community Services worked in concert to pick up curfew violators, take them to Gier Community Center, and interview the youth for counseling and survey purposes. Statistics and identified trends are apparent in the report. The program has unqualified support among neighborhood activists. Of 20 people polled, 18 would like to see the program continued in the summer of 1996. The Committee concurs, and recommends that the Council allocate funding in the FY97 budget for continuation of the Juvenile curfew Enforcement and Counseling Program. This report is for information only, and no Council action is required at this time.

Signed: Sandy Allen
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:
That the report of the Committee be received.

RESOLUTION 020D-2

REPORT OF COMMITTEE

The Public Safety Committee

To whom was referred the Mayor's report on a request to change the lane designation of the second lane from the south curb on St. Joseph Street at the intersection of Pine Street and St. Joseph Street to a combination through-left designation reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to change the lane designation of the second lane from the south curb on St. Joseph Street at the intersection of Pine Street and St. Joseph Street to a through-left combination designation be denied. The committee has reviewed the report from the administration and concurs that the request to change the lane designation of the second lane from the south curb on St. Joseph Street at the intersection of Pine Street and St. Joseph Street to a through-left combination designation be denied.

Signed: Sandy Allen
Harold Leeman
Ellen Beal

Public Safety Committee

By Councilmember Allen

That the report of the Committee be adopted.

RESOLUTION #020D-3

REPORT OF COMMITTEE

The Public Safety Committee

To whom was referred the Mayor's report on a letter request to install multi-way stops at the intersections of Bedford Street & Cooley Drive and Bedford Street & Woodview Drive reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to install

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multi-way stops at the intersections of Bedford Street & Cooley Drive and Bedford Street & Woodview Drive be denied. The committee has reviewed the report from the administration and concurs that the request to install multi-way stops at the intersections of Bedford Street & Cooley Drive and Bedford Street & Woodview Drive be denied.

Signed: Sandy Allen
Harold Leeman
Ellen Beal
Tony Benavides

Public Safety Committee

By Councilmember Allen

That the report of the Committee be adopted.

RESOLUTION #020D-4

REPORT OF COMMITTEE
The Public Safety Committee

To whom was referred the Mayor's report on a letter request to install multi-way stops at the intersections of Barnes Avenue & Park Avenue and Barnes Avenue & Pattengill Avenue reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to install multi-way stops at the intersections of Barnes Avenue & Park Avenue and Barnes Avenue & Pattengill Avenue be denied. The committee has reviewed the report from the administration and concurs that the request to install multi-way stops at the intersections of Barnes Avenue & Park Avenue and Barnes Avenue & Pattengill Avenue be denied.

Signed: Sandy Allen
Harold Leeman
Ellen Beal

Public Safety Committee

By Councilmember Allen

That the report of the Committee be adopted.

RESOLUTION #020E

REPORT OF COMMITTEE
THE COMMITTEE ON PUBLIC SERVICES, to whom was referred orders from the Demolitions Hearing Officers to demolish or otherwise make safe dilapidated buildings located at 1312 W. Ionia, 321 Denver, 1225 Clark, 611 Manchester and 516 Isbell,

REPORTS AS FOLLOWS: The Committee hereby refers these files to the Committee on Public Safety, without recommendation. The committee realignment approved by Council in December 1995 gives responsibility for such matters to the Committee on Public Safety. This report is for information only, and no Council action is required at this time.

Signed: Harold.Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

RESOLUTIONS

RESOLUTION #021

REPORT OF COMMITTEE
BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

TO WHOM WAS REFERRED: Regular Meetings with the Ingham County Board of Commissioners Regarding matters of mutual concern.

REPORTS AS FOLLOWS: The Committee Chair will extend an invitation to the Ingham County Board of Commissioners or their representatives (Intergovernmental Relations Committee) to meet on a mutually agreeable date and at a mutually agreeable time to discuss:

1. The Consolidated Courts Facility.
2. The Capital Region Airport Authority.
3. 911 Services.
4. District Library.

The Committee will report to the Council regarding these issues and will be advised of the County Commission's response to the Council Committee's invitation.

SIGNED

Councilmember Joan Bauer, Chair
Councilmember Paul Novak, Vice-Chair
Councilmember Harold Leeman, Jr, Member

BY COUNCILMEMBER BAUER

That the Report of the Committee be Adopted.

BY COUNCILMEMBER LEEMAN

That the Report of the Committee be amended to delete Item #1, Consolidated Courts Facility, under topics for discussion

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

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NAYS: 1 (Councilmember Novak dissenting)

COUNCILMEMBER BAUER'S MOTION FOR AFFIRMATIVE ROLL WAS:

CARRIED UNANIMOUSLY

RESOLUTION #022
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$25	Estimated Revenues-General Fund 101-0-170001-0	Public Service-Control 101-453603-992200-0
$25	Public Service-Control 101-453603-992200-0	Admin & Engin.-Donations 101-453603-741873-0

(Donation from Lynn and Owen Jewelry for Public Service Dept. employee appreciation. Revenue detail account, 101-0-675000.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,500	Est. Rev.Cap. Proj.410-0-170001-0	Lobby Fountain 410-933690-975000-43809

(Donation from Clark Construction ($1,000), and AIS Contractors ($500), for lobby fountain repair. Revenue detail account 410-0-675.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$200	Est. Rev. Gen. Fund 101-0-170001-0	Police-Ctrl 101-343201-992200-0
$200	Police-Control 101-343201-992200-0	police donations 101-343201-741880-0

(Donation from Hildebrandt Community for community policing activities. Revenue detail account 101-0-675000.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$10,700	Park Millage-Contingency 412-933890-992000-46020	Bison Fencing 412-933890-974000-43810

(Fencing to meet USDA requirements.)

By Councilmember Beal

Carried unanimously

RESOLUTION #023
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the Lansing City Council adopted resolution number 466 on July 17, 1995 setting forth parking policies and rates to service the parking needs of baseball games and special events held in the Lansing Baseball Stadium as proposed by the Lansing Municipal Parking System and in accordance with the Lansing Baseball Stadium Parking Plan dated June 13, 1995;

WHEREAS, the Lansing City Council requested that the Administration review the specific issue of baseball related parking rates;

WHEREAS, the Administration has reviewed this issue and recommended a, revision to the policy;

WHEREAS, the proposed recommendations have been reviewed by the Committee on Ways and Means;

NOW, THEREFORE BE IT RESOLVED, the Lansing City Council hereby establishes the following parking rate policies:

1. A special TMO game day parking rate of $2.50 (flat fee) is established for the attended downtown ramps based entries occurring no more than one hour before the scheduled start of the game.

BE IT FINALLY RESOLVED, all other parking rates not changed by this resolution shall remain in effect.

By Councilmember Beal

Carried unanimously

Items numbered XIII A-1, A-4, and A-5 were pulled from the agenda at the request of Councilmember Bauer and referred to the Committee of the Whole

Item XIII A-3 was tabled (please see tabled items).

RESOLUTION #024
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Whereas, the Mayor has recommended the appointment of Mr. Daniel Nickerson to the Lansing Entertainment and Public Facilities

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AUTHORITY; AND

WHEREAS, THE COMMITTEE INTERVIEWED MR. NICKERSON ON JANUARY 18, 1996, AND FOUND HIM TO BE WELL QUALIFIED TO SERVE THE CITY IN THIS CAPACITY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE MAYOR'S APPOINTMENT OF DANIEL NICKERSON TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY IS HEREBY CONFIRMED. TERM EXPIRES DECEMBER 31, 1996.

BY COUNCILMEMBER BAUER

CARRIED UNANIMOUSLY

RESOLUTION #025
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS RECOMMENDED THE APPOINTMENT OF MR. JAMES BUTLER TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY; AND

WHEREAS, THE COMMITTEE INTERVIEWED MR. BUTLER ON JANUARY 29, 1996, AND FOUND HIM TO BE WELL QUALIFIED TO SERVE THE CITY IN THIS CAPACITY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE MAYOR'S APPOINTMENT OF JAMES BUTLER TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY IS HEREBY CONFIRMED. TERM EXPIRES DECEMBER 31, 1998.

BY COUNCILMEMBER BAUER

CARRIED UNANIMOUSLY

RESOLUTION #026
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS RECOMMENDED THE APPOINTMENT OF MR. GLENN FRIEDLY TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY; AND

WHEREAS, THE COMMITTEE INTERVIEWED MR. FRIEDLY ON JANUARY 29, 1996, AND FOUND HIM TO BE WELL QUALIFIED TO SERVE THE CITY IN THIS CAPACITY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE MAYOR'S APPOINTMENT OF GLENN FRIEDLY TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY IS HEREBY CONFIRMED. TERM EXPIRES DECEMBER 31, 1996.

BY COUNCILMEMBER BAUER

CARRIED UNANIMOUSLY

RESOLUTION # 027
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS RECOMMENDED THE APPOINTMENT OF MS. CHARLOTTE SINADINOS TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY; AND

WHEREAS, THE COMMITTEE INTERVIEWED MS. SINADINOS ON JANUARY 29, 1996, AND FOUND HER TO BE WELL QUALIFIED TO SERVE THE CITY IN THIS CAPACITY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE MAYOR'S APPOINTMENT OF CHARLOTTE SINADINOS TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY IS HEREBY CONFIRMED. TERM EXPIRES DECEMBER 31, 1996.

BY COUNCILMEMBER BAUER

CARRIED UNANIMOUSLY

RESOLUTION #028
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS RECOMMENDED THE APPOINTMENT OF MR. DONALD RISTOW TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY; AND

WHEREAS, THE COMMITTEE INTERVIEWED MR. RISTOW ON JANUARY 29, 1996, AND FOUND HIM TO BE WELL QUALIFIED TO SERVE THE CITY IN THIS CAPACITY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE MAYOR'S APPOINTMENT OF DONALD RISTOW TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY IS HEREBY CONFIRMED. TERM EXPIRES DECEMBER 31, 1996.

BY COUNCILMEMBER BAUER

CARRIED UNANIMOUSLY

RESOLUTION #029
BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS ORDINANCE #888 ADOPTED JULY 11, 1994, ALLOWS FOR THE DISPOSITION OF BICYCLES WHICH ARE DEEMED SURPLUS BY THE LANSING POLICE DEPARTMENT; AND

WHEREAS, BY SUBSEQUENT RESOLUTION THE CITY

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Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communications dated January 29, 1996, to the Michigan National Guard/Youth Leadership Camp;

AND BE IT FURTHER RESOLVED any bicycles from this list that are not pick up by the eligible non-profit agencies by February 9, 1996, may be disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #030
SIDEWALK RESOLUTION
COMMITTEE ON PUBLIC SERVICES

WHEREAS, Chapter 1024.03 of the Code of ordinances recognizes that the repair and reconstruction of public sidewalk is a necessity, and

WHEREAS, the Council is in the process of determining whether it is a matter of public necessity to repair sidewalk in front of and adjacent to the properties described below:

PROPERTIES BENEFITTED: The Downtown Area bounded by Grand Avenue, Hillsdale Street, Capitol Avenue and Shiawassee Street.

And that the construction of these improvements known as 1996 DOWNTOWN SIDEWALK REPAIR CONTRACT, P.S. 36275, may be ordered.

NOW, THEREFORE, BE IT RESOLVED that the Finance Director be directed to advertise and let for bid, the specifications for said project as submitted by the Department of Public Service.

BE IT FURTHER RESOLVED that the cost of these improvements is to be financed by special assessment to the benefitted property owners, if the project is constructed, and the City's share of the project shall be paid from FY96 Sidewalk Repair Funds.

BE IT FINALLY RESOLVED that the City Assessor be, and is directed to prepare the information for a special assessment installment roll, based on contract prices and other related costs of construction, against said described lands in accordance with Chapter 1024.07 of the Code of Ordinances, and return same to the City Council.

By Councilmember Leeman

Carried unanimously

RESOLUTION #031
SIDEWALK RESOLUTION
COMMITTEE ON PUBLIC SERVICES

WHEREAS, Chapter 1024.03 of the Code of ordinances recognizes that the repair and reconstruction of public sidewalk is a necessity, and

WHEREAS, the Council is in the process of determining whether it is a matter of public necessity to repair sidewalk in front of and adjacent to the properties described below:

PROPERTIES BENEFITTED: The area bounded by Dunlap Street, Stabler Street, Holmes Road, and Washington Avenue. Also the area bounded by Lafayette Avenue, Andrew Avenue, N. Grand River Avenue., and Grandell Avenue. Also Cambridge Road between Nottingham Road and Moores River Drive, Moores River Drive between Cambridge Road and Boston Blvd., Wellington Street north of Boston Blvd., Blair Street from Wellington Street to Boston Blvd., and Pettis Street from Boston Blvd to Moores River Drive. Excepting all public streets and alleys and other land deemed not benefitted.

And that the construction of these improvements known as 1996-A SIDEWALK REPAIR CONTRACT, P.S. 01020, may be ordered.

NOW, THEREFORE, BE IT RESOLVED that the Finance Director be directed to advertise and let for bid, the specifications for said project as submitted by the Department of Public Service.

BE IT FURTHER RESOLVED that the cost of these improvements is to be financed by special assessment to the benefitted property owners, if the project is constructed, and the City's share of the project shall be paid from FY96 Sidewalk Repair Funds.

BE IT FINALLY RESOLVED that the City Assessor be, and is directed to prepare the information for a special assessment installment roll, based on contract prices and other related costs of construction, against said described lands in

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ACCORDANCE WITH CHAPTER 1024.07 OF THE CODE OF ORDINANCES, AND RETURN SAME TO THE CITY COUNCIL.

BY COUNCILMEMBER LEEMAN

CARRIED UNANIMOUSLY

RESOLUTION #032
BY COUNCIL PRESIDENT HOWARD JONES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS RECOMMENDED THE APPOINTMENT OF PAUL F. NOVAK TO THE ECONOMIC DEVELOPMENT CORPORATION AND THE TAX INCREMENT FINANCE AUTHORITY BOARD OF DIRECTORS, REPLACING ROBERT L. BROCKWELL;

NOW, THEREFORE BE IT RESOLVED THAT THE APPOINTMENT OF PAUL F. NOVAK IS HEREBY CONFIRMED AS RECOMMENDED BY THE MAYOR. TERM TO EXPIRE IN FEBRUARY, 2000.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER LILLY; A LETTER FROM THE EASTSIDE NEIGHBORHOOD ORGANIZATION STATING THEIR OPPOSITION TO SLU-14-95, 223 S. PENNSYLVANIA, SPECIAL LAND USE PETITION FILED BY HIGHFIELDS, INC.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2. FROM COUNCILMEMBER LILLY; A LETTER FROM KRISTI DEGE OF 1017 PROSPECT STATING HER OPPOSITION TO SLU-14-95, 223 S. PENNSYLVANIA, SPECIAL LAND USE FILED BY HIGHFIELDS, INC.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3. FROM COUNCILMEMBER LILLY; A RESOLUTION APPOINTING COUNCILMEMBER NOVAK TO THE ECONOMIC DEVELOPMENT CORPORATION BOARD OF TRUSTEES FOR A TERM TO END JUNE 31, 2000

HANDLED AS RESOLUTION #032

PUBLIC COMMENTS

BARBARA STURDEVANT JAMES READ A POEM THAT SHE WROTE COMMEMORATING THE DEDICATION OF THE MLK BLVD. TRIANGLE TO UNION MISSIONARY BAPTIST CHURCH FOR THE SITE OF THEIR NEW CHURCH.

JIM HARKEN OF 315 BINGHAM SPOKE REGARDING A COURT CASE HE READ ABOUT WHEREIN THE COURT RULED THAT A PUBLIC OWNED UTILITY COULD NOT SELL IT'S PUBLICLY OWNED PROPERTY WITHOUT A MAJORITY APPROVAL OF THE VOTERS OF THE CITY.

HELEN FISER OF 12100 S. CORK IN MORRICE TOLD COUNCIL THAT THE SMALL GROUPS SPEAKING IN OPPOSITION TO THE RAIN TAX ARE BANDING TOGETHER. THERE WILL BE A MEETING TOMORROW NIGHT AT GARDNER JUNION HIGH SCHOOL AT 7:00 P.M. FOR ANYONE INTERESTED IN OPPOSING THIS FEE. SHE CRITICIZED PRESIDENT JONES FOR HIS ACTIONS TONIGHT IN PROHIBITING COUNCILMEMBERS FROM QUESTIONING PUBLIC SPEAKERS.

LLOYD TEETS OF 116 E. ELM ST. EXPLAINED THE DIFFERENCE BETWEEN C.C.S.L. AND CONCERNED CITIZENS TO SAVE LANSING, MI, INC. WHO IS HOSTING TOMORROW NIGHT'S MEETING AT GARDNER JUNIOR HIGH.

COUNCILMEMBERS COMMENTS

COUNCILMEMBER BAUER THANKED THE LEPFA APPOINTEES FOR ACCEPTING THEIR APPOINTMENTS AND ASKED EVERYONE INTERESTED IN SERVING ON THIS BOARD TO MAKE APPLICATION THROUGH MAYOR HOLLISTER'S OFFICE.

COUNCILMEMBER BEAL COMPLIMENTED MS. STURDEVANT JAMES ON HER POEM. SHE EXPRESSED HER SYMPATHY TO THE TITUS FAMILY ON THE PASSING OF VITA TITUS. SHE ANNOUNCED A PANCAKE BREAKFAST TO BE HELD THIS SATURDAY AT THE CITY MARKET FROM 8:00 A.M. TO 12:00 P.M. THE CHARGE IS $4.00 FOR ADULTS AND $2.00 FOR KIDS UNDER 12. SHE CONFIRMED THE REGULARLY SCHEDULED MEETING OF THE COMMITTEE ON WAYS AND MEANS THIS WEDNESDAY AT 4:00 P.M.

COUNCILMEMBER NOVAK THANKED MS. STURDEVANT JAMES FOR HER POEM AND ANNOUNCED THAT THERE WILL BE A SPAGHETTI DINNER AT HOLY CROSS ON SATURDAY AT 5:00 P.M. THE COST IS $5.00 PER PLATE.

COUNCILMEMBER ALLEN CONFIRMED THE REGULARLY SCHEDULED MEETING OF THE PUBLIC SAFETY COMMITTEE THIS TUESDAY AT 3:00. THE SOUTH SIDE COMMUNITY CENTER REPORT THAT SHE DISTRIBUTED TO COUNCILMEMBERS TONIGHT IS AVAILABLE TO INTERESTED PARTIES BY CALLING THE COUNCIL OFFICES.

COUNCILMEMBER LEEMAN ANNOUNCED THAT FREE CARNATIONS WILL BE DISTRIBUTED TO ALL YOUNG LADIES WHO SHOW UP AT THE PANCAKE BREAKFAST. HE NOTED THAT THE EASTSIDE NEIGHBORHOOD ORGANIZATION DOES NOT SUPPORT THE CAMP HIGHFIELDS SPECIAL LAND USE REQUEST. HE GAVE A REPORT OF HIS ACTIVITIES FOR THE PAST WEEK TO FIRST WARD RESIDENTS. HE REPORTED TAKING A TOUR OF THE CITY HALL SUB-BASEMENT. THIS BUILDING, HE SAID, HAS SERIOUS INFRASTRUCTURE PROBLEMS AND COULD

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SOMEDAY SEE IT'S UNDERGROUND PARKING PLACES FALL THROUGH TO THE SUB-BASEMENT LEVEL. PUBLIC SERVICES NEEDS TO ADDRESS THIS PROBLEM.

COUNCIL PRESIDENT JONES ANNOUNCED HIS APPOINTMENTS TO THE AD HOC COMMITTEE ON HOUSING. THE FIRST MEETING WILL BE WEDNESDAY, FEBRUARY 21, 1996.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

MR. WIENER TOLD COUNCILMEMBERS THAT THE ADMINISTRATION HAS NOT HELD ANY DISCUSSIONS ABOUT LONG RANGE PLANS FOR CITY HALL, HOWEVER, THEY ARE PUTTING TOGETHER A 6 YEAR CAPITAL IMPROVEMENTS PLAN THAT WILL BE COMING TO COUNCIL WITH THE BUDGET FOR THEIR REVIEW.

ADJOURNED 10:20 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS FEBRUARY 12, 1996 AS AMENDED ON FEBRUARY 19, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Jones.

APPROVAL OF MINUTES

By Councilmember Novak:

To approve the Printed Council Proceedings of February 5, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides:

To accept the following under suspension of the rules:

A. Letter from the Catholic Diocese of Lansing regarding the Civil Rights Ordinance

B. Letter from M.O,S.T. regarding the Civil Rights Ordinance

C. Resolution Regarding National Engineers Week

D. Introduction of Resolution Amending Council Rule #10

E. Letter from Sparrow Hospital regarding Camp Highfields proposed Special Land Use

F. Appointment of John Decker to the MEGA Authority

G. Appointment of Tim Nichols to the MEGA Authority

H. Letter from Mayor Hollister recommending Ellen Jeffries, Charles Janssen and another individual to be named for MEGA Authority Appointments

SCHEDULED PUBLIC HEARINGS

A. In consideration of SLU-16-95, Vacant 7-Acre Parcel at N end of Westwood Ave., Special Land Use Filed by Clinton-Eaton-Ingham Community Mental Health Board to allow for construction of a Residential Care Facility for 8-10 Elderly Persons

B. In consideration of SLU-17-95, Vacant 3.37 Acre Parcel off S end of Coulson Ct., Special Land Use filed by Clinton-Eaton-Ingham Community Mental Health to allow for construction of a Residential Care Facility for 8-10 Elderly Persons

ITEMS A & B WERE REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

The following individuals made comments about Public Hearings A & B:

Clarence Doerr, 3221 Greenoak Ave., opposes the special land use because the building is too close to the railroad tracks and to the residential area.

Michael Sturley, 1744 Willowbrook Drive, spoke on behalf of the Regional Mental Health Board regarding this special land use. They can house six adults without local approval but would like to increase the capacity to ten.

Gerald Yuston of 2119 Westwood Avenue is opposed to this special land use as it presents a safety hazard for both the residents of the home and to children living in the area.

Robert Bennett of 222 W. Saginaw stated that he is also concerned with safety.

Barbara Hoes of 3211 Greenoak Avenue stated that the creek gets high in the spring and may pose a hazard to residents; she is opposed to increasing the size of this home.

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Paul Richards of 3020 Westwood Avenue is opposed to this special land use.

James McDaniels of 1732 Shady Oak Drive is opposed to this special land use.

Lloyd Teets of 116 E. Elm stated that council should establish a policy that never increases the capacity of adult foster care homes beyond the six residents that are permitted under state law.

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm stated he is opposed to the ethics ordinance unless it is amended to add whistle blower protection.

Mark Eggleston of 4001 Heathgate stated he is in favor of placing the civil rights ordinance on the ballot for the people to decide.

The following individuals spoke in support of a South Side Community Center:

-Delores Maidlow-Kramer of 2806 Forest Road
-Lynn Densmore of 6141 Beechfield #221
-Emly Horne of 110 W. Hodge
-Mark Canady of 3421 Tecumseh River Road
-Ed Simmer of 2609 Dier
-Martha Kwant of 421 N. Fairview Ave.
-JoAnne Jager of 3131 Boston Blvd.
-Robert Aldrich of 3712 Wainwright
-Fred Stackable of Grand Avenue
-Robert Johnson of 5723 Ridgewood
-Wilbur Howard of 6200 Lenawee

Bill Vernon of 2115 Lyons stated that he represents the Veteran's Council and that they were not allowed to participate on the South Side Community Center Committee.

Barry Crown of 3036 Westchester, member of the Parks Board, stated his hopes that the city do the needed renovation of the three existing community centers to the same standard as what is proposed for the South Side.

Ed Remick, 2705 Victor Ave., stated that the city and school district should work more closely together to make maximum use of existing facilities and resources before looking into building new ones.

Karen Beekman, resident of Okemos and volunteer at the Boys & Girls Club, asked Councilmembers to keep an open mind about the proposal by the Boys & Girls Club.

The following individuals spoke in support of passage of the civil rights ordinance in its present form:

-Cheryl VanDeKerkhove of 303 S. Holmes
-Martha Kwant of 421 N. Fairview Ave.
-Bob Egan of 733 W. Shiawassee

The following individuals spoke in opposition to the proposed civil rights ordinance:

-Bernie Meissner of 635 LaSalle Blvd.
-Tom Hruska of 2414 Newport Drive
-Dale Piggott of 2300 W. Miller Road

COMMUNICATIONS AND PETITIONS

By Councilmember Allen:

That Communications and petitions be considered as read in full and that the proper referrals be made by the Council President:

Carried unanimously

A. Letter from Cristo Rey Community Center requesting an allocation in the amount of $600 from Community Use Funds for the Lansing Center for an Event honoring Cesar Chavez to be held on March 31, 1996

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Letter from Lloyd Teets of 116 E. Elm St. containing a report from him on the Stormwater Enterprise Fund

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

C. Z-02-96, 821 N. Cedar St., Rezoning Petition from "B-4" Residential to "F" Commercial filed by Thomas P. DeBoer of Paramount Properties Group of 300 Ottawa Ave NW in Grand Rapids for the Purpose of Development of a storage facility for service vehicles and automotive glass

REFERRED TO THE MAYOR & PLANNING BOARD

D. Letter from Bath Charter Township regarding the Priggooris Property and potential future development of it

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND INTERGOVERNMENTAL AFFAIRS

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E. Letter from the Catholic League of 1011 First Ave. in New York, N.Y. opposing the two proposed Civil Rights Ordinances

REFERRED TO THE COMMITTEE OF THE WHOLE

MAYOR'S COMMENTS

Mayor Hollister had no comments.

CITY OFFICER AND BOARD REPORTS

A. Plumbing Board 1995 Evaluation

RECEIVED AND PLACED ON FILE

B. Letter from the City Attorney re: Opinion and Order of the ;Michigan Civil Rights Commission denying the Claim of Former 911 Technician, Kay M. Benge

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Resignation of Paul Todd from the Electrical Board

RECEIVED AND PLACED ON FILE

2/ Transfer of Funds: Finance Dept.

REFERRED TO THE COMMITTEE ON WAYS & MEANS

3/ Grant Acceptance; Urban Forestry - Arbor Day

REFERRED TO THE COMMITTEE ON WAYS & MEANS

4/ Potter Park Zoo Projects - Change in Priorities

REFERRED TO THE COMMITTEE ON WAYS & MEANS

5/ Grant Acceptance; Office of Criminal Justice Training

REFERRED TO THE COMMITTEE ON WAYS & MEANS

6/ Traffic Control Request: Olds Ave. at West St. and William St. at West St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ Parking Regulation Request; Thomas St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ Parking Regulation Request; South East St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9/ Letter of Appreciation from R.E. Olds Museum

RECEIVED AND PLACED ON FILE

10/ Selection of Lansing to Receive the "50 Communities Award"

RECEIVED AND PLACED ON FILE

ROUTINE MATTERS FOR ACTION

RESOLUTION #037
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Carolay, Inc. (Stockholder: Daniel E. Baker, 2543 Kodiak, East Lansing), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1991 Class C licensed business with Dance Permit, located in escrow at 533-535 East Michigan Avenue, from Joe Covello's Lounge, Inc., and to transfer location to 2525 East Jolly Road, currently doing business as Poppa Leo's Pizza; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff for the ownership change, but the location change requires a final approval by the Building Safety Division after work on a building addition is completed; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation on the ownership change, but no further action on the location change will be taken by the Committee until the Building Safety Division gives final approval, although the Committee chair has sent a letter to the applicant and the Commission explaining the situation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Caroiy, Inc., to transfer ownership of a 1991 Class C licensed business with]Dance Permit, located in escrow at 533-535 East Michigan Avenue, from Joe Covello's Lounge, Inc., is hereby recommended for approval.

By Councilmember Benavides

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ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Bauer, Benavides, Jones, Lilly, Novak

NAYS: Councilmembers Allen, Beal, Leeman

RESOLUTION #038
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, KMD of Lansing, Inc. (Stockholders: Timothy E. Kempa, South Lyon, Michigan, and Robert J. Smith, 506 S. Magnolia), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1995 Class C licensed business with Dance-Entertainment Permit, located at 108 South Washington Square and doing business as Rock House, from LHF, Inc.; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from KMD of Lansing, Inc., to transfer ownership of a 1995 Class C licensed business with Dance-Entertainment Permit, located at 108 South Washington Square, from LHF, Inc., is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

RESOLUTION #039
BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communications dated February 12, 1996, to Brotherhood Against Drugs;

AND BE IT FURTHER RESOLVED any bicycles from this list that are not pick up by the eligible non-profit agencies by February 16, 1996, may be disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #040
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Gary R. Endres, 3507 South Deerfield, to fill a vacancy in the Third Ward seat on the Traffic Board, for a term to expire June 30, 1999; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found him to be exceptionally well qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Gary R. Endres to the Third Ward seat on the Traffic Board, for a term to expire June 30, 1999.

By Councilmember Allen

Carried unanimously

RESOLUTION #041
City of Lansing
Counties of Ingham and Eaton, State of Michigan
RESOLUTION AMENDING THE
ARTICLES OF INCORPORATION OF
THE LANSING ENTERTAINMENT AND
PUBLIC FACILITIES AUTHORITY

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WHEREAS, the City Council (the "Council") of the City of Lansing, Counties of Ingham and Eaton, State of Michigan (the "City") has previously incorporated the Lansing Entertainment and Public Facilities Authority (the "Authority") pursuant to the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended (Act 3111) and has adopted Articles of Incorporation of the Authority; and

WHEREAS, the City Council deems it advisable and in the best interest of the City to amend Article V, Section 1 of the Articles of Incorporation of the Authority in order to provide for appointment of additional Commissioners to serve on the Authority's Board of Commissioners, and to provide that a vendor of the Lansing City Market serve a term on the Authority's Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Article V, Section 1 of the Articles of Incorporation of the Authority is hereby amended to read in its entirety as shown in the attached First Amendment to the Articles of Incorporation.

2. The First Amendment to the Articles of Incorporation of the Lansing Entertainment and Public Facilities Authority are hereby approved and adopted. The Mayor and City Clerk of the City are hereby authorized and directed to execute the First Amendment to the Articles of Incorporation of the Lansing Entertainment and Public Facilities Authority for and on behalf of the City.

3. The City Clerk shall cause a copy of the First Amendment to the Articles of Incorporation of the Lansing Entertainment and Public Facilities Authority to be published once in the Lansing *State Journal*, being a newspaper circulated within the City as provided in Act 31, such publication to be accompanied by a notice that valid amendment of the Articles of Incorporation of the Lansing Entertainment and Public Facilities Authority shall be conclusively presumed unless questioned in a court of competent jurisdiction as provided in Act 31.

4. The City Clerk shall file a certified copy of the executed First Amendment to the Articles of Incorporation of the Authority with the County Clerk of the County of Ingham, the County Clerk of the County of Eaton, and the Secretary of State of the State of Michigan, together with a certificate stating the date and newspaper of publication of the First Amendment to the Articles of Incorporation. The City Clerk is hereby authorized and directed to file the originally executed First Amendment to the Articles of Incorporation with the recording secretary of the Authority, when selected, and to take such steps as are necessary under the provisions of State law to perfect the amendment of said Articles.

5. All other resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

By Councilmember Beal

To place an affirmative roll on the resolution

By Councilmember Lilly to amend the resolution by amending the following in the First Amendment to the Articles of Incorporation of LEPFA:

-in section 1, line 3, change three (3) to two (2) and on line 5, change three (3) to two (2)

-on page 2, line 4, change three (3) to two (2)

-on page 2, paragraph 2, delete the wording "and the director of planning & neighborhood development of the city"

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Lilly, Novak

NAYS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman

By Councilmember Allen

To call the question on Councilmember Beal's motion for affirmative roll

Carried unanimously

COUNCILMEMBER BEAL'S MOTION FOR AFFIRMATIVE ROLL WAS ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Lansing, Counties

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of Ingham and Eaton, Michigan, at a Regular City Council meeting held on February 12, 1996, at 7:00 P.M. prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

and that the following Members were absent: None

I further certify that Councilmember Beal moved for adoption of said resolution

I further certify that the following Members voted for adoption of said resolution: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

and that the following Members voted against adoption of said resolution: Councilmember Lilly

Marilynn Slade
City Clerk

FIRST AMENDMENT TO THE ARTICLES OF INCORPORATION OF LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY

The City of Lansing adopts this First Amendment to the Articles of Incorporation of the Lansing Entertainment and Public Facilities Authority pursuant to the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended.

1. Article V, Section 1 of the Articles of Incorporation of the Authority is hereby amended to read in its entirety as follows:

"ARTICLE V

Section 1. The Authority shall be directed and governed by a Board of Commissioners known as the "Commission." The Commission shall contain ten (10) voting Commissioners and three (3) non-voting ex-officio Commissioners until December 31, 1996, and thereafter the Commission shall contain eight (8) voting Commissioners and three (3) non-voting ex-officio Commissioners. The Mayor and the members of the City Council shall not be eligible for membership or appointment to the Commission.

One of the initial ten voting Commissioners shall be a vendor of the Lansing City Market and shall be appointed by the Mayor with the advice and consent of the City Council, and shall serve for a one year term ending on December 31, 1996. Each Commissioner who is appointed to succeed the vendor of the Lansing City Market shall be a vendor of the Lansing City Market, and shall serve for a one year term beginning on January 1 following the expiration of the term of the Commissioner whom he/she succeeds and expiring December 31 of that year. If any such Commissioner ceases to be a vendor of the Lansing City Market during his/her term, then he/she shall cease to serve as a Commissioner, and the Mayor, with the advice and consent of the City Council, shall appoint another vendor of the Lansing City Market for the remainder of the term.

Two of the initial ten voting Commissioners shall be selected from the existing board of the Exhibition Authority and shall be appointed by the Mayor with the advice and consent of the City Council, and shall serve for terms ending December 31, 1996.

The remaining seven (7) voting Commissioners of the first Commission shall be appointed by the Mayor with the advice and consent of the City Council. The terms of these seven Commissioners shall be as follows: two Commissioners shall serve terms ending December 31, 1996, two Commissioners shall serve terms ending December 31, 1997, and three Commissioners shall serve terms ending December 31, 1998.

Only three voting Commissioners shall be appointed to succeed the five voting Commissioners whose terms end on December 31, 1996. Thereafter, a Commissioner shall be appointed following the expiration of the term of each Commissioner, in order that the Commission contain eight (8) voting Commissioners and three (3) non-voting exofficio Commissioners beginning January 1, 1997. Each succeeding Commissioner, other than the Commissioner appointed to serve as vendor of the Lansing City Market, shall serve for a three year term beginning on January 1 following the expiration of the term of the Commissioner whom he/she succeeds and expiring December 31 of the last

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YEAR OF SUCH TERM. AFTER THE END OF THE TERMS OF THE COMMISSIONERS APPOINTED FOR TERMS ENDING DECEMBER 31, 1996, IT SHALL NO LONGER BE A REQUIREMENT THAT ANY COMMISSIONER BE A FORMER MEMBER OF THE BOARD OF THE EXHIBITION AUTHORITY.

THE FINANCE DIRECTOR OF THE CITY, THE INTERNAL AUDITOR OF THE CITY, AND THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT OF THE CITY SHALL SERVE AS NON-VOTING EX OFFICIO COMMISSIONERS. THE TERMS OF THE EX OFFICIO COMMISSIONER SHALL CONTINUE AS LONG AS SUCH COMMISSIONER HOLDS OFFICE AS FINANCE DIRECTOR, INTERNAL AUDITOR, OR DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT OF THE CITY. IN THE EVENT OF A VACANCY IN ONE OF SAID OFFICES, THE PERSON FULFILLING THE DUTIES OF SAID OFFICE ON AN INTERIM BASIS SHALL SERVE ON THE COMMISSION.

2. THE CITY CLERK OF THE CITY SHALL CAUSE A COPY OF THIS FIRST AMENDMENT TO THE ARTICLES OF INCORPORATION OR A SUMMARY THEREOF TO BE PUBLISHED ONCE IN THE *LANSING STATE JOURNAL*, BEING A NEWSPAPER CIRCULATED WITHIN THE CITY AS PROVIDED IN ACT 3 1, SUCH PUBLICATION TO BE ACCOMPANIED BY A NOTICE THAT VALID AMENDMENT OF THE ARTICLES OF INCORPORATION OF THE AUTHORITY SHALL BE CONCLUSIVELY PRESUMED UNLESS QUESTIONED IN A COURT OF COMPETENT JURISDICTION AS PROVIDED IN ACT 31.

3. THE CITY CLERK OF THE CITY SHALL FILE A CERTIFIED COPY OF THIS FIRST AMENDMENT TO ARTICLES OF INCORPORATION WITH THE INGHAM COUNTY CLERK, THE EATON COUNTY CLERK, AND THE MICHIGAN SECRETARY OF STATE, TOGETHER WITH A CERTIFICATE OF THE DATE AND NEWSPAPER OF PUBLICATION, AS REQUIRED BY ACT 31.

4. THIS FIRST AMENDMENT TO THE ARTICLES OF INCORPORATION SHALL BECOME EFFECTIVE AND BE IN FULL FORCE AND EFFECT AS PROVIDED IN SECTION 6 OF ACT 31 TEN (10) DAYS AFTER THEIR ADOPTION BY CITY COUNCIL.

IN WITNESS WHEREOF, THE CITY OF LANSING, MICHIGAN HAS ADOPTED AND AUTHORIZED TO BE EXECUTED THIS FIRST AMENDMENT TO THE ARTICLES OF INCORPORATION ON BEHALF OF THE CITY, A MUNICIPAL CORPORATION OF THE STATE OF MICHIGAN, BY ITS MAYOR AND CITY CLERK.

CITY OF LANSING, MICHIGAN

BY_____
MAYOR

BY_____
CITY CLERK

THE FOREGOING FIRST AMENDMENT TO THE ARTICLES OF INCORPORATION WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF LANSING, COUNTIES OF INGHAM AND EATON, MICHIGAN, AT A MEETING DULY HELD ON THE 12TH DAY OF FEBRUARY 1996, AND WILL BE FILED BY THE CITY CLERK WITH THE INGHAM COUNTY CLERK, THE EATON COUNTY CLERK, AND THE MICHIGAN SECRETARY OF STATE.

DATED: FEBRUARY 12, 1996.

MARILYNN SLADE,
CITY CLERK, CITY OF LANSING, MICHIGAN

BY COUNCILMEMBER BAUER

THAT THE RULES BE SUSPENDED AT THIS TIME TO ALLOW FOR THE ADDITION OF TWO RESOLUTIONS APPOINTING MEMBERS TO THE LANSING ENTERTAINMENT PUBLIC FACILITIES AUTHORITY FOR PASSAGE AT THIS TIME

CARRIED UNANIMOUSLY

RESOLUTION #042
BY COUNCILMEMBER JOAN BAUER
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE MAYOR'S APPOINTMENT OF JOHN DECKER TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY, AS THE CITY MARKET VENDOR REPRESENTATIVE BE, AND HEREBY IS, CONFIRMED FOR A TERM TO END DECEMBER 31, 1996.

BY COUNCILMEMBER BAUER

CARRIED UNANIMOUSLY

RESOLUTION #043
BY COUNCILMEMBER JOAN BAUER
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE MAYOR'S APPOINTMENT OF MR. TIMOTHY NICHOLS TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY BE, AND HEREBY IS, CONFIRMED FOR A TERM TO EXPIRE DECEMBER 31, 1997.

BY COUNCILMEMBER BAUER

CARRIED UNANIMOUSLY

RESOLUTION #044
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

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WHEREAS, ENGINEERS HAVE USED THEIR SCIENTIFIC AND TECHNICAL KNOWLEDGE AND SKILLS IN CREATIVE AND INNOVATIVE WAYS TO FULFILL SOCIETY'S NEEDS; AND

WHEREAS, ENGINEERS FACE THE MAJOR TECHNOLOGICAL CHALLENGES OF OUR TIME - FROM REBUILDING TOWNS DEVASTED BY NATURAL DISASTERS TO DESIGNING AN INFORMATION SUPERHIGHWAY THAT WILL SPEED OUR COUNTRY INTO THE TWENTY FIRST CENTURY; AND

WHEREAS, ENGINEERS ARE ENCOURAGING OUR YOUNG MATH AND SCIENCE STUDENTS TO REALIZE THE PRACTICAL POWER OF THEIR KNOWLEDGE; AND WHEREAS, WE WILL LOOK MORE THAN EVER TO ENGINEERS AND THEIR KNOWLEDGE AND SKILLS TO MEET THE CHALLENGES OF THE FUTURE;

NOW THEREFORE BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY PROCLAIMS FEBRUARY 18 -24, 1996, NATIONAL ENGINEERS WEEK IN LANSING, MICHIGAN.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #045
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE COUNCIL VICE PRESIDENT HAS RECOMMENDED TO THE COMMITTEE OF THE WHOLE A DRAFT OF AN AMENDMENT TO COUNCIL RULE #10, REGARDING PREPARATION OF THE COUNCIL AGENDA BY THE CITY CLERK; AND

WHEREAS, THE COMMITTEE OF THE WHOLE HAS STUDIED THE DRAFT AND DETERMINED THAT THE AMENDMENT HAS MERIT;

NOW, THEREFORE, BE TT RESOLVED THE LANSING CITY COUNCIL HEREBY INTRODUCES THE FOLLOWING AMENDMENT TO RULE #10 OF THE CITY COUNCIL RULES FOR ACTION AT THE NEXT REGULAR MEETING.

REVISION TO COUNCIL RULE #10

RULE 10. PREPARATION OF AGENDA. THE CLERK'S OFFICE SHALL PREPARE AND PROVIDE COPIES OF PACKETS TO COUNCIL AND THE MAYOR OF AN AGENDA OF BUSINESS TO BE CONSIDERED AT EACH REGULARLY SCHEDULED COUNCIL MEETING AND ANY SPECIAL MEETINGS OF CITY COUNCIL. ~~NO ITEM OF BUSINESS SHALL BE PLACED ON THE AGENDA FOR A REGULAR MEETING OF COUNCIL UNLESS NOTICE OF THE SUBJECT MATTER WAS FILED IN THE OFFICE OF THE CLERK BY 9:00 A.M. ON THE~~ THE ORIGINAL DOCUMENT, ANNOTATED WITH SUCH APPROVALS AS MAY BE REQUIRED, SHALL HAVE BEEN FILED IN THE OFFICE OF THE CLERK BY 4:00 P.M. ON THE SECOND OFFICIAL BUSINESS DAY, USUALLY THURSDAY, IMMEDIATELY PRECEDING THE BUSINESS DAY OF THE COUNCIL MEETING. ~~AGENDA ITEMS REQUIRING ACTION OF COUNCIL SHALL BE IN THE CLERK'S OFFICE BY 1:00 P.M. OF THE DAY FOLLOWING THE COMMITTEE MEETING.~~ THE AGENDA FOR EACH SUCH MEETING SHALL BE POSTED IN THE LOBBY OF CITY HALL AND COUNCIL CHAMBERS NOT LATER THAN EIGHTEEN HOURS PRIOR TO THE TIME OF EACH SUCH MEETING, AND AT SUCH OTHER PLACES AS THE COUNCIL MAY DEEM APPROPRIATE.

BY COUNCILMEMBER BEAL

THAT THE REVISION TO COUNCIL RULE #10 BE INTRODUCED AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES

CARRIED UNANIMOUSLY

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-19-95, 601 E. MICHIGAN AVENUE, "H" LIGHT INDUSTRIAL TO "G-1" BUSINESS DISTRICT

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ 'A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #046
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, MARCH 11, 1996, AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-19-95, 601 E. MICHIGAN AVENUE, "H" LIGHT INDUSTRIAL TO "G-1"BUSINESS DISTRICT

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By Councilmember Lilly

Carried unanimously

INTRODUCTION OF ORDINANCE

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-21-95, 2817 E. Mt. Hope Ave., "A" Residential to "D-1" Professional Office District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the committee on Development and Planning.

RESOLUTION #047
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, March 11, 1996, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-21-95, 2817 E. Mt. Hope Ave., "A" Residential to "D-1" Professional Office District

By Councilmember Lilly

Carried unanimously

COMMITTEE OF THE WHOLE DISCUSSION

By Councilmember Beal:

That Council Do Now Resolve Itself into a Committee of the Whole to Consider items on the agenda of February 12, 1996:

Carried Unanimously

A. Presentation from Tom Finley of the Boys and Girls Club

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

B. Presentation from Doke Bloss and Don Christy of LPD regarding Neighborhood Network Centers

C. South Side Community Center Committee Report; Councilmember Allen, Joe Miller, R. Eric Reickel

REFERRED TO THE COMMITTEES ON PUBLIC SERVICES AND WAYS AND MEANS

By Councilmember Lilly:

That Agenda Items XI-E, F and H be tabled until the Committee of the Whole meeting scheduled for February 26, 1996 and that Agenda Item XI-D be tabled until the Committee of the Whole meeting scheduled for March 11, 1996.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Novak dissenting)

D. Proposed Amendments to Chapter 290, Conflicts of Interest (Ethics Ordinance)

E. Proposed Amendments to Chapter 296 & 297, Civil Rights Ordinances

F. Baseball Facilities Convention Report

G. Review of Consent Agenda Items for Monday, February 12, 1996

H. Approval of Committee of the Whole Minutes of April 22, May 13, November 30, and December 11, 1995 and of January 8, 1996

By Councilmember Beal:

That the Committee of the Whole Do Now Rise:

Carried Unanimously

PENDING MATTERS

A. EITP - Five Year Computer Plan

B. Land Proceeds/board of Water & Light

C. Proposed Amendment to Add a New Chapter, Chapter 245 for the Purpose of Establishing the Site of the City Market

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D. Proposed Amendments to Chapter 296 & 297, Civil Rights Ordinance (tabled until 2/26/95 meeting)

E. Baseball Facilities Convention Report (Tabled until 2/26/95 meeting)

F. Approval of Committee of the Whole minutes of April 22, May 13, November 30 and December 11, 1995 and of January 8, 1996 (Tabled until 2/26/95 meeting)

G. Proposed Amendments to Chapter 290, Conflicts of Interest (Ethics Ordinance) - Tabled until 3/11/96 meeting)

CONSIDERATION OF LATE ITEMS

A. Letter from the Catholic Diocese of Lansing regarding the Civil Rights Ordinance

REFERRED TO THE COMMITTEE OF THE WHOLE

B. Letter from M.O,S.T. regarding the Civil Rights Ordinance

REFERRED TO THE COMMITTEE OF THE WHOLE

C. Resolution Regarding National Engineers Week

ADOPTED AS RESOLUTION #044

D. Introduction of Resolution Amending Council Rule #10

ADOPTED AS RESOLUTION #045

E. Letter from Sparrow Hospital regarding Camp Highfields proposed Special Land Use

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

F. Appointment of John Decker to the MEGA Authority

ADOPTED AS RESOLUTION #042

G. Appointment of Tim Nichols to the MEGA Authority

ADOPTED AS RESOLUTION #043

H. Letter from Mayor Hollister recommending Ellen Jeffries, Charles Janssen and another individual to be named for MEGA Authority appointments

REFERRED TO THE COMMITTEE ON INTER-GOVERNMENTAL AFFAIRS

CITIZEN COMMENTS

Cheryl VanDeKerkhove of 313 S. Holmes again spoke in support of passage of the civil rights ordinance.

Lloyd Teets of 116 E. Elm stated that he doesn't wait to receive invitations, he just shows up if he wants to attend something.

Darryl Burgess of 1407 Prospect stated that the money that might be spent on a South Side Community Center came from the illegal sale of the Civic Center.

Paul Scott of 412 W. Kilborn said he felt the police department network centers should be located in elementary schools.

Robert Bennett of 222 W. Saginaw stated that if Paul Scott had ever attended any meetings on the network centers he would not have made his comments.

Tim Lewis of 500 S. Pine stated he is disgusted with the potshots being taken on both sides of the civil rights ordinance.

COUNCILMEMBER'S COMMENTS

Councilmember Beal stated that the Committee on Ways and Means will meet at 4:00 P.M. on 2/14/96 and will take up the civil infractions ordinance.

Councilmember Novak stated his concern over the fact that council, again, failed to take action of several items which have been before them for months; specifically the civil rights ordinance and the ethics ordinance.

Councilmember Leeman stated that the 2/14/96 meeting of the Public Services Committee will be at 11:30 A.M. and will be televised on Channel 28. They will be discussing the stormwater fee and the tollgate drain. He reminded everyone of the Bea Christy Awards Dinner on Friday night.

MAYOR'S EXECUTIVE ASSISTANT'S COMMENTS

Dave Wiener reminded everyone that the Neighborhood Grant Deadline is this Friday at 4:00 P.M. in the Mayor's Office.

ADJOURNED 11:30 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS FEBRUARY 19, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmembers

The Invocation and Pledge of Allegiance were led by Councilmember Novak

APPROVAL OF MINUTES

By Councilmember Benavides

By Councilmember Lilly

To correct the minutes of February 12, 1996 meeting to show that Councilmember Novak voted against tabling items for Committee of the Whole Discussion and to show that Councilmember Beal's motion on the Resolution Introducing Council Rule Amendments was Introduced and Referred to the Committee on General Services

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a Resolution authorizing Non-Profit Status Recognition for "Friends of People With Cerebral Palsy"

2. From Councilmember Benavides; a Resolution of Tribute to UAW Local #652 honoring their Black History Month Celebration

3. From Councilmember Allen; a letter from Dana Towsley, Treasurer of the Board of Water & Light, submitting a competitive Assessment by Standard & Poor regarding their financial standing

4. From Councilmember Leeman; a letter from the Planning & Neighborhood Development Department regarding his inquiry about rezonings in the Riverpoint Neighborhood

5. From Councilmember Leeman; a letter from the North Lansing Community Association requesting rezoning of the 1300 and 1400 Blocks of the W. Side of Center St. from "H" Light Industrial to "C" Residential district

6. From Councilmember Leeman; a request that the rules be suspended to allow for the addition of a Special Ceremony Presentation by Ingham County Drain Commissioner Lindemann with regard to the Tollgate Drain, Fairview Park, Groesbeck Golf Course Project

7. From Councilmember Beal; a request that Item XI E-1, Resolution Approving Transfer of Funds, be Corrected to state that the Scott Woods Bridge Transfer is coming from Account #412-933890-992000-46020 and going to Account #412-933890-97400-46065

SPECIAL CEREMONIES

A. Council President Jones, along with Mayor Hollister, presented a Resolution of Tribute for "Walk for Warmth" to Ivan Love, Director of Capital Area Community Services.

Mr. Love announced that this Saturday, February 24, 1996 is the Annual "Walk for Warmth" Fund raiser, which will begin on Ottawa St. at 12:30 P.M. They are raffling a 1996 Chevrolet S-10 Pickup Truck at this year's walk. Tickets are still available. Eight hundred and fifty tickets have been sold, so the odds are good

B. Mayor Hollister, along with Robert Clegg, of the Public Service Department presented certificates of recognition to Public Service Department 1995 Merit Employees, as well as Certificates in Recognition of National Engineers Week to members of the Michigan Association of Professional Engineers.

C. Pat Lindemann, Ingham County Drain Commissioner described the designs for improvements to the Tollgate Drain/Groesbeck Golf Course/Fairview Park. This project is designed to become an eco-system. They will create a closed system containing 30 acres of enclosed wetlands. The project involves a re-build of Fairview Park. He commended the City and Lansing Township for the outstanding level of cooperation that has existed on this project. This facility will be one that everyone can be proud of when it is completed.

Councilmember Novak asked about the Federal Government's EPA jurisdiction over underground injection wells on this project. Commissioner Lindemann said that the original

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PLAN CALLED FOR RE-CHARGE WELLS ON THE BACK NINE OF GROESBECK. THAT PLAN HAS SINCE BEEN MODIFIED AND THEY ARE WORKING WITH THE DNR ON RE-MODELING THE BACK NINE. THIS PLAN DOES NOT ATTEMPT TO ENCROACH ON BANCROFT PARK, NOR DOES IT MAKE ANY RE-CHARGE ATTEMPTS. THE GOLF COURSE WILL BE OPEN ALL OF THIS YEAR UNTIL LABOR DAY, THE FRONT NINE WILL BE CLOSED IN 1997 AND WILL RE-OPEN IN THE SPRING OF 1998.

PUBLIC COMMENT

JOHN HAGEN OF 3100 E. MT. HOPE SPOKE IN OPPOSITION TO THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES).

ELEANOR LOVE, ZONING ADMINISTRATOR FROM THE CITY OF LANSING PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT EXPLAINED THE NEIGHBORHOOD ENTERPRISE ZONE ORDINANCE AND URGED IT'S PASSAGE.

GEORGE ELLENA OF 2901 GLENBROOK URGED PASSAGE OF THE MUNICIPAL CIVIL INFRACTION ORDINANCES, PARTICULARLY THE ORDINANCE THAT DEALS WITH THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

CAROL WOOD OF 1018 W. LAPEER DISPLAYED PICTURES THAT DEPICT HOUSING CODE VIOLATIONS IN THE CITY. SHE URGED PASSAGE OF THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES.

ALEXANDER BOLT OF 1230 REO RD.. SPOKE IN OPPOSITION TO THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES).

THOMAS HEARNLY OF 3425 PALMER SPOKE IN OPPOSITION TO THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES).

ELEANOR DILLON OF 328 N. WALNUT SPOKE IN SUPPORT OF THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES.

AL KOCHKA OF 518 N. PINE SPOKE IN SUPPORT OF THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES.

ROBERT BENNETT OF 222 W. SAGINAW SPOKE IN OPPOSITION TO THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES BECAUSE HE DISAGREES WITH THE DEFINITION OF DISABLED MOTOR VEHICLES.

HELEN FISER OF 1500 E. CAVANAUGH SAID THAT SHE IS A MEMBER OF CITIZENS TO ABOLISH THE RAIN TAX ORDINANCE (CARTO) SHE STATED HER OPPOSITION TO THE STORMWATER ENTERPRISE FUND FEES.

PRISCILLA HOLMES OF 220 REO RD.. SPOKE IN SUPPORT OF THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES. SHE TOLD COUNCILMEMBERS THAT THERE WILL BE AN AMENDMENT TO THESE ORDINANCES PROPOSED TONIGHT. SHE URGED THEM TO VOTE AGAINST THE AMENDMENT AND PASS THE ORDINANCES AS THEY WERE SUBMITTED IN THE PACKET. SHE ASKED THE PEOPLE PRESENT TO SUPPORT THE PASSAGE OF THESE ORDINANCES TO STAND. APPROXIMATELY 15 PEOPLE STOOD.

BERNADETTE RAYL OF 1427 MCINTYRE CRT. SPOKE IN OPPOSITION TO THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES).

WALTER RHODES OF 1427 MCINTYRE CRT. SPOKE IN OPPOSITION TO THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES).

JENNIFER GRAU, OF THE LANSING NEIGHBORHOOD COUNCIL SPOKE IN SUPPORT OF THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES.

WILLIAM HUBBELL OF 1827½ W. HOLMES RD. COMMENDED THE WAYS AND MEANS COMMITTEE FOR THEIR EXPEDIENT WORK TO GET THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES ON TONIGHT'S AGENDA FOR PASSAGE.

JOHN TELLIER OF 923 SYCAMORE ST. SPOKE IN OPPOSITION TO THE AMENDMENTS TO CHAPTER 1460 THE PORTION OF THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES REGARDING DISABLED MOTOR VEHICLES AND THE SALE OR TRANSFERENCE OF PROPERTIES THAT HAVE BEEN ISSUED CODE VIOLATION CITATIONS.

ED SIMMER OF 2609 DIER SPOKE IN OPPOSITION TO THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES).

COMMUNICATIONS AND PETITIONS

BY COUNCILMEMBER ALLEN

THAT COMMUNICATIONS AND PETITIONS BE CONSIDERED AS BEING READ IN FULL AND THAT THE PROPER REFERRALS BE MADE BY PRESIDENT JONES

CARRIED UNANIMOUSLY

A. LETTER FROM CHRISTOPHER A. LUBIENSKI OF 3413 LOWCROFT REGARDING THE TERMINATION OF JOY WALLACE, A FORMER EMPLOYEE OF FINE HOST CORPORATION

RECEIVED AND PLACED ON FILE

B. LETTER FROM INGHAM COUNTY BOARD OF COMMISSIONERS SUBMITTING A RESOLUTION PROPOSING AN APPROPRIATION OF $150,000 FOR THE PURCHASE OF EQUIPMENT FOR A REGIONAL HAZARDOUS MATERIALS RESPONSE TEAM

REFERRED TO THE MAYOR

C. LETTER FROM THE CATHOLIC LEAGUE FOR RELIGIOUS AND CIVIL RIGHTS OPPOSING PASSAGE OF THE TWO PROPOSED CIVIL RIGHTS ORDINANCES

REFERRED TO THE COMMITTEE OF THE WHOLE

D. LETTER FROM INGHAM COUNTY DRAIN COMMISSIONER LINDEMANN SUBMITTING A REMINDER FOR

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THE INSTALLMENT AND INTEREST PAYMENTS DUE ON THE PAWLOWSKI CREEK DRAINAGE DISTRICT

REFERRED TO THE MAYOR

E. NOTICE FROM THE STATE OF MICHIGAN DEPARTMENT OF SOCIAL SERVICES OF THE CLOSING OF AN ADULT FOSTER CARE SMALL GROUP HOME LICENSED TO GAYLE BELK, GUARDIAN ANGEL, 1031 N. WASHINGTON

REFERRED TO THE MAYOR

F. NOTICE FROM THE STATE OF MICHIGAN DEPARTMENT OF SOCIAL SERVICES OF THE CLOSING OF AN ADULT FOSTER CARE FAMILY HOME LICENSED TO JACQUELINE BRIMMER, BRIMMER AFC, 1425 E. GRAND RIVER

REFERRED TO THE MAYOR

G. NOTICE FROM THE STATE OF MICHIGAN DEPARTMENT OF SOCIAL SERVICES OF ISSUANCE OF A LICENSE FOR AN ADULT FOSTER CARE SMALL GROUP HOME TO GEES AFC INC., JENISON HOME, 738 N. JENISON ST.

REFERRED TO THE MAYOR

H. NOTICE FROM THE STATE OF MICHIGAN DEPARTMENT OF TREASURY OF APPROVAL OF A NAME CHANGE ON INDUSTRIAL FACILITY EXEMPTION CERTIFICATE #90-604 FROM MONTEL USA, INC. TO HIMONT USA

RECEIVED AND PLACED ON FILE

I. LETTER FROM DARRYL BURGESS OF 1407 PROSPECT ST. REGARDING THE SALE OF THE CIVIC CENTER AND THE DISPOSITION OF THE PROCEEDS FROM THE SALE

REFERRED TO THE CITY ATTORNEY

J. LETTER FROM LLOYD TEETS OF 116 E. ELM ST. SUBMITTING A STORMWATER ENTERPRISE FUND REPORT

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

MAYOR'S COMMENTS

MR. WIENER, EXECUTIVE ASSISTANT TO MAYOR HOLLISTER REPORTED THAT CITY TREASURER JUDYTH KEHLER IS HERE TO ADDRESS COUNCILMEMBER QUESTIONS ABOUT THE MUNICIPAL CIVIL INFRACTIONS ORDINANCES WHEN THE APPROPRIATE TIME COMES.

HE COMMENDED THE PUBLIC SERVICES COMMITTEE FOR THE WORK THEY DID ON THE STORMWATER ENTERPRISE FUND AND FOR HOLDING THE PUBLIC HEARING ON THE FUND AND ASSOCIATED FEES THAT WAS TELEVISED. HE ADVOCATED INCREASED EFFORTS AT PUBLIC EDUCATION. HE TOLD THE PUBLIC THAT THERE ARE A LOT OF REPORTS AND INFORMATION ABOUT THIS FUND THAT ARE AVAILABLE FOR THEIR REVIEW.

CITY ATTORNEY SMIERTKA EXPLAINED THAT HIS LETTER REGARDING THE OUTCOME OF ETTINGER AND RINVELDT V CITY OF LANSING IS A PUBLISHED JUDGEMENT OF THE COURT OF APPEALS THAT WAS RULED IN FAVOR OF THE CITY IN A ZONING MATTER.

CITY OFFICER AND BOARD REPORTS

A. LETTER FROM THE CITY CLERK NOTIFYING COUNCILMEMBERS OF THE RECEIPT OF MINUTES FROM CITY BOARD AND AUTHORITIES

RECEIVED AND PLACED ON FILE

B. LETTERS FROM THE CITY ATTORNEY RE:

1. RAYMOND L. GRAHAM V CITY OF LANSING, ET AL

RECEIVED AND PLACED ON FILE

2. ETTINGER AND RINVELDT V CITY OF LANSING

RECEIVED AND PLACED ON FILE

C. ANNUAL BOARD EVALUATIONS SUBMITTED BY:

1. PLUMBING BOARD

RECEIVED AND PLACED ON FILE

2. PLANNING BOARD

RECEIVED AND PLACED ON FILE

3. DEMOLITION HEARING BOARD

RECEIVED AND PLACED ON FILE

4. PUBLIC SERVICE BOARD

RECEIVED AND PLACED ON FILE

D. LETTERS FROM THE MAYOR RE:

1/ AMENDMENT TO BASEBALL PARKING PLAN

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ WITHDRAWAL OF THE NAMES OF DENNIS SYKES AND GINA TORIELLI FROM CONSIDERATION FOR APPOINTMENT TO THE LEPFA

RECEIVED AND PLACED ON FILE

3/ NOTICE OF TERM EXPIRATIONS OF APPOINTEES TO THE LEPFA

REFERRED TO THE COMMITTEE OF THE WHOLE

4/ ESTIMATED AND ACTUAL REVENUES AND EXPENDITURES THROUGH DECEMBER 31, 1995

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

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5/ Withdrawal of offer by Share Mid-Michigan to purchase Lot 6, R.E. Olds Plat

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6/ Resignation of Noel Copiaco from the Traffic Board

RECEIVED AND PLACED ON FILE

7/ Request for Declaration of Public Nuisance for Property located at 4901 Christiansen St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ Trash Violation Fee (V-32) - $2,257.55

RECEIVED AND PLACED ON FILE

9/ I-73/74 Interstate Highway Corridor Project

REFERRED TO THE COMMITTEE OF THE WHOLE

10/ Transfer of Funds: LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS (THE TRANSFER TO THE FINANCE DEPARTMENT FOR THE STORMWATER UTILITY FEE WAS PULLED AT THE REQUEST OF COUNCILMEMBER BEAL)

11/ Appointment of Earl Wolf 1710 Nottingham to the Park Board for a Term to Expire June 1999

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

12/ Re-appointment of Sally Laurion of 2704 Victor Ave. to a Third Ward Seat on the Park Board for a Term to Expire June 1999

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

RESOLUTION #048

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred the proposed ordinance to amend the City Code by adding a new Chapter 1462 for the purpose of providing for Neighborhood Enterprise Zones,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #049

REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the Mayor's appointment of Bob Brockwell to the Board of Police Commissioners,

REPORTS AS FOLLOWS: The Committee does not support this appointment, and will not recommend confirmation to the City Council. This report is for information only.

Signed: Sandy Allen, Chair
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #050

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 202 of the City Code by adding Subsection 202.03(12.5) and by amending Section 202.99, for the purpose of adding a definition of Municipal Civil Infraction and amending the General Code Penalties,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #051

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend the City Code by adding a new Chapter 203, for the purpose of establishing a Municipal Ordinance Violations Bureau, procedures for enforcing municipal civil infractions, and a schedule of fines,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

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BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #052

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 1020 of the City Code by adding a new Section 1020.98 and amending Section 1020.99, for the purpose of changing a violation of the requirement to shovel snow and ice off sidewalks within 24 hours from a criminal misdemeanor to a municipal civil infraction,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #053

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 1030 of the City Code by adding a new Section 1030.98 and amending Section 1030.99, for the purpose of changing a violation of the requirement to prominently display address numbers from a criminal misdemeanor to a municipal civil infraction,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #054

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 1232 of the City Code by adding a new Section 1232.98 and amending Section 1232.99, for the purpose of changing violations of subdivision regulations from a criminal misdemeanor to a municipal civil infraction,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #055

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 1242 of the City Code by amending Sections 1242.01(A) and 1242.99, and repealing Section 1242.03, for the purpose of changing violations of the Zoning Code from criminal misdemeanors to municipal civil infractions,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #056

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 1420 of the City Code by adding a new Section 1420.98 and amending Section 1420.99, for the purpose of changing most violations of the Uniform Building Code from criminal misdemeanors to municipal civil infractions,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #057

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 1422 of the City Code by adding a new Section 1422.98 and amending Section 1422.99, for

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THE PURPOSE OF CHANGING ALL VIOLATIONS OF THE UNIFORM PLUMBING CODE FROM CRIMINAL MISDEMEANORS TO MUNICIPAL CIVIL INFRACTIONS,

REPORTS AS FOLLOWS: THIS ORDINANCE IS PART OF THE PACKAGE THAT IMPLEMENTS MUNICIPAL CIVIL INFRACTIONS. ALL OF THESE ORDINANCES HAVE BEEN REVIEWED AND APPROVED PREVIOUSLY BY THE COMMITTEE ON GENERAL SERVICES. THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

BY COUNCILMEMBER BEAL:

THAT THE REPORT OF THE COMMITTEE BY RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #058

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, TO WHOM WAS REFERRED AN ORDINANCE TO AMEND CHAPTER 1424 OF THE CITY CODE BY ADDING A NEW SECTION 1424.98 AND AMENDING SECTION 1424.99, FOR THE PURPOSE OF CHANGING ALL VIOLATIONS OF THE ELECTRICAL CODE FROM CRIMINAL MISDEMEANORS TO MUNICIPAL CIVIL INFRACTIONS,

REPORTS AS FOLLOWS: THIS ORDINANCE IS PART OF THE PACKAGE THAT IMPLEMENTS MUNICIPAL CIVIL INFRACTIONS. ALL OF THESE ORDINANCES HAVE BEEN REVIEWED AND APPROVED PREVIOUSLY BY THE COMMITTEE ON GENERAL SERVICES. THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

BY COUNCILMEMBER BEAL:

THAT THE REPORT OF THE COMMITTEE BY RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #059

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, TO WHOM WAS REFERRED AN ORDINANCE TO AMEND CHAPTER 1426 OF THE CITY CODE BY ADDING A NEW SECTION 1426.98 AND AMENDING SECTION 1426.99, FOR THE PURPOSE OF CHANGING ALL VIOLATIONS OF THE MECHANICAL CODE FROM CRIMINAL MISDEMEANORS TO MUNICIPAL CIVIL INFRACTIONS,

REPORTS AS FOLLOWS: THIS ORDINANCE IS PART OF THE PACKAGE THAT IMPLEMENTS MUNICIPAL CIVIL INFRACTIONS. ALL OF THESE ORDINANCES HAVE BEEN REVIEWED AND APPROVED PREVIOUSLY BY THE COMMITTEE ON GENERAL SERVICES. THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

BY COUNCILMEMBER BEAL:

THAT THE REPORT OF THE COMMITTEE BY RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #060

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, TO WHOM WAS REFERRED AN ORDINANCE TO AMEND CHAPTER 1442 OF THE CITY CODE BY ADDING A NEW SECTION 1442.98 AND AMENDING SECTION 1442.99, FOR THE PURPOSE OF CHANGING ALL VIOLATIONS OF THE SIGN CODE FROM CRIMINAL MISDEMEANORS TO MUNICIPAL CIVIL INFRACTIONS,

REPORTS AS FOLLOWS: THIS ORDINANCE IS PART OF THE PACKAGE THAT IMPLEMENTS MUNICIPAL CIVIL INFRACTIONS. ALL OF THESE ORDINANCES HAVE BEEN REVIEWED AND APPROVED PREVIOUSLY BY THE COMMITTEE ON GENERAL SERVICES. THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

BY COUNCILMEMBER BEAL:

THAT THE REPORT OF THE COMMITTEE BY RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #061

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, TO WHOM WAS REFERRED AN ORDINANCE TO AMEND CHAPTER 1460 OF THE CITY CODE BY ADDING A NEW SECTION 1460.30, FOR THE PURPOSE OF REGULATING DISABLED MOTOR VEHICLES, TO DEFINE THE TERM "DISABLED MOTOR VEHICLE", TO PROHIBIT THOSE VEHICLES FROM BEING LEFT, STORED OR REPAIRED IN SPECIFIED AREAS, TO PROVIDE THAT A VIOLATION SHALL BE A MUNICIPAL CIVIL INFRACTION, AND PROVIDE PENALTIES FOR VIOLATIONS,

REPORTS AS FOLLOWS: THIS ORDINANCE IS PART OF THE PACKAGE THAT IMPLEMENTS MUNICIPAL CIVIL INFRACTIONS. ALL OF THESE ORDINANCES HAVE BEEN REVIEWED AND APPROVED PREVIOUSLY BY THE COMMITTEE ON GENERAL SERVICES. THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

BY COUNCILMEMBER BEAL:

THAT THE REPORT OF THE COMMITTEE BY RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #062

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, TO WHOM WAS REFERRED AN ORDINANCE TO AMEND CHAPTER 1460 OF THE CITY CODE BY ADDING A NEW SECTION 1460.31, FOR THE PURPOSE OF PROHIBITING THE OWNER OF ANY DWELLING FROM SELLING OR TRANSFERRING INTEREST IN THE DWELLING UNTIL PREVIOUSLY-IDENTIFIED CODE VIOLATIONS ARE CORRECTED,

REPORTS AS FOLLOWS: THIS ORDINANCE IS PART OF THE PACKAGE THAT IMPLEMENTS MUNICIPAL CIVIL INFRACTIONS. ALL OF THESE ORDINANCES HAVE BEEN REVIEWED AND APPROVED PREVIOUSLY BY THE COMMITTEE ON GENERAL SERVICES. THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

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BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #063

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 1460 of the City Code by adding a new Section 1460.98 and by amending Section 1460.99, for the purpose of changing most violations of the Housing Code from criminal misdemeanors to municipal civil infractions,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

RESOLUTION #064

REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend Chapter 1610 of the City Code by adding a new Section 1460.98 and by amending Section 1610.99, for the purpose of changing most violations of the Fire Code from criminal misdemeanors to municipal civil infractions,

REPORTS AS FOLLOWS: This ordinance is part of the package that implements Municipal Civil Infractions. All of these ordinances have been reviewed and approved previously by the Committee on General Services. The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

CONSENT ITEMS

RESOLUTION #065

By Councilmember Beal

That Item XII E-1 be amended in the Transfer for Scott Woods Bridge to show that funds are being transferred from Account #412-933890-992000-46020 and transferred to Account #412-933890-974000-46065, and that the Items listed on the Consent Agenda, with the exception of items listed below as identified by her colleagues, be approved and an affirmative roll attached

ITEMS REMOVED FROM THE CONSENT PORTION OF THE AGENDA: referred to on the Consent Agenda as Items A-3, A-4, A-5a through A-5f, C-1 through C-3, D-1, E-5 through E-7 and F-1.

Carried unanimously

RESOLUTION #065A-1

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has appointed Leslie A. Sulskis, 417 North Jenison Street, to fill a vacancy on the Historic District Commission, for a term to expire June 30, 1997; and

WHEREAS, the Committee interviewed the appointee and found her to be well qualified to serve on the Commission;

NOW, THEREFORE, BE TT RESOLVED the Lansing City Council hereby confirms the appointment of Leslie Sulskis to the Historic District Commission, for a term to expire June 30, 1997.

RESOLUTION #065A-2

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing did acquire Lots 128, 129 and 130, Plat of City Park Subdivision, in the 1200 Block of Leslie Street as part of its Community Development Block Grant Program; and

WHEREAS, the property has remained vacant f or a number of years with no plan for development and reuse: and

WHEREAS, Lansing Habitat For Humanity contacted the Development Office of the City and has offered to purchase the property for the purpose of constructing afford-able single family homes on the site; and

WHEREAS, the proposal to develop single family homes on the site would contribute to the improvement and redevelopment of the residential neighborhood, and would be consistent with the zoning code and existing development in the area;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council authorize the sale of the property described as:

Lots 128, 129 and 130, Plat of City Park Subdivision, City of Lansing, Ingham County, Ingham County, Michigan, as recorded in Liber

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5 of Plats, Page 12, Ingham County Records

to Lansing Habitat For Humanity , a Michigan nonprofit corporation, for the sum of One Dollar ($1.00) plus all closing costs.

BE IT FINALLY RESOLVED the Mayor is authorized to sign and execute all necessary documents to effectuate the sale and transfer of property, subject to their approval as to form by the City Attorney.

RESOLUTION #065B-1

REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred reports from Potter Park Zoo Director Gerald Brady on zoo attendance and the results of a survey on non-resident admission fees,

REPORTS AS FOLLOWS: The Committee discussed resident and non-resident attendance at the zoo with Gerry Brady. Records since 1992 showed annual increases in total attendance until 1995, which showed a small decrease from 1994. The Zoo continues to be one of the region's primary attractions. Mr. Brady advocated an end to the split admission fee charged at the zoo. The Committee received and filed these reports.

Signed: Tony Benavides, Chair
Joan Bauer, Vice Chair
Rick Lilly

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received.

RESOLUTION #065B-2

REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the Mayor's recommendation to use $50,000 in surplus funds for programs to benefit senior citizens,

REPORTS AS FOLLOWS: The Committee reviewed the recommended uses of the funds. The following items are endorsed and referred to the Committee on Ways and Means: $15,000 to Tri-County Office on Aging for exercise leader workshops, and $30,000 to the Parks and Recreation Department to run the Greater Lansing Senior Ghallenge program. The Committee retains for further discussion the $5,000 request for emergency services for senior citizens. This report is for information only.

Signed: Tony Benavides, Chair
Joan Bauer, Vice Chair
Rick Lilly

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received.

RESOLUTION #065B-3
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Marilyn Thelen filed a claim against the City in the amount of $1,415.00 for damage to personal property allegedly resulting from a sewer back-up into the basement of her residence at 3325 W. Genesee; and

WHEREAS, the claimant lives in Lansing Township, which is served by the Lansing sewer system; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee found that the subject sewer main received routine cleaning service on April 11, 1994, developed a blockage on November 21, 1994, and in response to a trouble call, was serviced to remove the blockage the same day, and that the City had no notice that a problem existed prior to the trouble call; and

WHEREAS, the claimant did not present any evidence or testimony that would suggest payment of the claim under an exception to the doctrine of governmental immunity, which applies in most sewer back-up situations, and the Committee concurs with the staff attorney's recommendation to deny the claim;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of Marilyn Thelen; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

RESOLUTION #065B-4
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, D. Dean Rhoads filed two claims against the City for a total of $4,217.85 in protest of special assessments levied for weed cuttings against eight vacant lots owned by the claimant; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee found that the claimant

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had not notified the City Assessor that he was the legal owner of the property, and therefore, did not receive notice of premises violations for tall grass and weeds; and

WHEREAS, the Committee determined that City inspectors followed proper procedure on these violations, and the claimant is responsible for the ensuing special assessments, resulting in the Committee's endorsement of the Law Department's recommendation to deny the claims in their entirety;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of D. Dean Rhoads; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

RESOLUTION #065C-1

REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred Fire Department Resource Utilization Study report, prepared by consultant David M. Griffith & Associates of Albany, New York,

REPORTS AS FOLLOWS: The Committee reviewed the consultant's major recommendations with Fire Chief Henderson Bodiford. The recommendations include constructing a new Fire Station #1, to replace existing Stations #1 and #3, as well as adding a fourth paramedic ambulance to the department's ready apparatus. The Committee requested detailed review and responses to the consultant's recommendations from the Mayor, the Fire Department administration, and the department's steering committee that assisted the consultant. The Committee will go over the report and response from the Administration, before any recommendations are made regarding implementation of the consultant's proposals.

Signed: Sandy Allen
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

RESOLUTION #065C-2
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Deborah B. Frederick, 3728 Stoneleigh Drive, to fill a vacancy in the Second Ward seat, as well as a new four-year term on the Board of Police Commissioners, for a combined term to expire June 30, 2000; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found her to be well qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Deborah Frederick to the Second Ward seat on the Board of Police Commissioners, for a term to expire June 30, 2000.

RESOLUTION #065C-3
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS; the Transportation Division investigated a sight obstruction complaint, forwarded from the Mayor's office, at the intersection of Shiawassee Street and Sycamore Street. The complaint stated that parked vehicles on the south side of Shiawassee Street east of Sycamore Street reduced the ability of a northbound driver on Sycamore Street to see a westbound vehicle traveling on Shiawassee Street;

WHEREAS; the Transportation Division staff studied the traffic conditions and parking activities on Shiawassee Street;

WHEREAS, pursuant to section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on November 8, 1995, implemented a temporary traffic control order 95-090T to prohibit parking on the south side of Shiawassee Street from 85 feet east of Sycamore Street to Sycamore Street;

WHEREAS; based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to prohibit parking on the south side of Shiawassee Street from 85 feet east of Sycamore Street to Sycamore Street;

WHEREAS, the approved minutes for Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS; the Committee on Public Safety reviewed the report and concurs with the recommendation of the Transportation Division;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 95-100 thereby authorizing the Transportation Engineer to prohibit parking on Shiawassee Street from 85 east of Sycamore Street to Sycamore Street;

BE IT FURTHER RESOLVED that existing parking

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REGULATIONS ARE DOCUMENTED ON TRAFFIC CONTROL ORDER NO. 95-100 SUPPORTING THE HISTORICAL PARKING REGULATIONS WHICH LIMITS PARKING ON THE NORTH SIDE OF SHIAWASSEE STREET TO TWO (2) HOURS BETWEEN THE HOURS OF 8:00 AM AND 6:00 PM FROM PINE STREET TO 50 FEET EAST OF SYCAMORE STREET;

BE IT FINALLY RESOLVED THAT TRAFFIC CONTROL ORDER NO. 95-100 SHALL BECOME EFFECTIVE WHEN SIGNED BY THE TRANSPORTATION ENGINEER, FILED WITH THE CITY CLERK, AND THE APPROPRIATE SIGN IS ERECTED.

RESOLUTION #065C-4
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS; THE TRANSPORTATION DIVISION INVESTIGATED A REQUEST FROM LT. MARK ALLEY, COMMUNITY POLICING OFFICER, TO CHANGE THE PARKING REGULATION ON BALZER STREET AND FERLEY STREET. LT. ALLEY FORWARDED THIS REQUEST FROM THE AREA RESIDENTS BECAUSE THEY WERE CONCERNED ABOUT OVERFLOW VEHICLES FROM THE ELK'S CLUB PARKING ON BALZER STREET AND FERLEY STREET;

WHEREAS; THE TRANSPORTATION DIVISION STAFF AND LANSING POLICE DEPARTMENT STUDIED THE TRAFFIC CONDITIONS AND PARKING ACTIVITIES ON BALZER AND FERLEY STREETS;

WHEREAS, PURSUANT TO SECTION 2.53(2) OF THE LANSING CODE OF ORDINANCES THE TRANSPORTATION ENGINEER ON OCTOBER 2, 1995, IMPLEMENTED TEMPORARY TRAFFIC CONTROL ORDERS 95-091T AND 95-092T PROHIBITING PARKING ON THE BOTH SIDES OF BALZER STREET BETWEEN THE HOURS OF 10:00 PM AND 5:00 AM FROM FERLEY STREET TO THE DEAD END SOUTH OF FERLEY STREET AND PROHIBITING PARKING ON BOTH SIDES OF FERLEY STREET BETWEEN THE HOURS OF 10:00 PM AND 5:00 AM FROM BALZER STREET TO M.L. KING JR. BOULEVARD;

WHEREAS; BASED UPON THE RESULTS OF THE TRANSPORTATION DIVISION AND THE LANSING POLICE DEPARTMENT STUDY, THE TRAFFIC BOARD CONCURS WITH THE RECOMMENDATION OF THE TRANSPORTATION DIVISION TO PROHIBIT PARKING ON THE BOTH SIDES OF BALZER STREET BETWEEN THE HOURS OF 10:00 PM AND 5:00 AM, FROM FERLEY STREET TO THE DEAD END SOUTH OF FERLEY STREET; AND TO PROHIBIT PARKING ON BOTH SIDES OF FERLEY STREET BETWEEN THE HOURS OF 10:00 PM AND 5:00 AM FROM BALZER STREET TO M.L. KING JR. BOULEVARD;

WHEREAS, THE APPROVED 'MINUTES FOR THE TRAFFIC BOARD CONTAINING THE TRAFFIC BOARD RECOMMENDATION FOR THIS MATTER ARE ON FILE WITH THE CITY CLERK'S OFFICE;

WHEREAS, THE MAYOR CONCURS WITH THE RECOMMENDATION OF THE TRAFFIC BOARD;

WHEREAS; THE COMMITTEE ON PUBLIC SAFETY REVIEWED THE REPORT AND CONCURS WITH THE RECOMMENDATION OF THE TRANSPORTATION DIVISION;

NOW, THEREFORE, BE IT RESOLVED THAT THE LANSING CITY COUNCIL APPROVES TRAFFIC CONTROL ORDER NUMBERS 95-101 AND 95-102 THEREBY AUTHORIZING THE TRANSPORTATION ENGINEER TO PROHIBIT PARKING ON BOTH SIDES OF BALZER STREET BETWEEN THE HOURS OF 10:00 PM AND 5:00 AM, FROM FERLEY STREET TO THE DEAD END SOUTH OF FERLEY STREET AND TO PROHIBIT PARKING ON BOTH SIDES OF FERLEY STREET BETWEEN THE HOURS OF 10:00 PM AND 5:00 AM FROM BALZER STREET TO M.L. KING JR. BOULEVARD;

BE IT FINALLY RESOLVED THAT TRAFFIC CONTROL ORDER NUMBERS 95-101 AND 95-102 SHALL BECOME EFFECTIVE WHEN SIGNED BY THE TRANSPORTATION ENGINEER AND FILED WITH THE CITY CLERK.

RESOLUTION #065C-5
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE TRANSPORTATION DIVISION RECEIVED A REQUEST TO CHANGE THE PARKING REGULATIONS ON THOMAS STREET BETWEEN POLLY AVENUE AND LARCH STREET TO FACILITATE THE SAFE LOADING AND UNLOADING OF OTTO MIDDLE SCHOOL STUDENTS. THE REQUEST WAS MADE BY HOWARD DASHNEY, DIRECTOR OF PUPIL TRANSPORTATION FOR THE LANSING SCHOOL DISTRICT;

WHEREAS, THE REQUEST WAS REFERRED TO THE TRAFFIC BOARD;

WHEREAS, THE TRANSPORTATION DIVISION STAFF CONDUCTED A STUDY OF THE ROADWAY CONDITIONS AND PARKING ACTIVITIES;

WHEREAS, ON AUGUST 18, 1995, THE TRANSPORTATION DIVISION MAILED LETTERS TO THE RESIDENTS ON THOMAS STREET, BETWEEN POLLY AVENUE AND LARCH STREET, INFORMING THEM OF THE REQUEST TO CHANGE THE PARKING REGULATIONS IN THIS AREA AND ASKING THEM TO DIRECT THEIR COMMENTS REGARDING THE PROPOSED PARKING REGULATIONS IN THIS AREA TO THE TRANSPORTATION DIVISION;

WHEREAS, PURSUANT TO SECTION 2.53(2) OF THE LANSING CODE OF ORDINANCES THE TRANSPORTATION ENGINEER ON SEPTEMBER 1, 1995, IMPLEMENTED A TEMPORARY TRAFFIC CONTROL ORDER TO PROHIBIT STOPPING, STANDING, AND PARKING; BETWEEN THE HOURS OF 7:00 AM AND 8:00 AM.& 2:00 PM-AND 3:00 PM,- SCHOOL DAYS, ON THE NORTH SIDE OF THOMAS STREET, FROM LARCH STREET TO POLLY AVENUE, AND TO PROHIBIT STOPPING, STANDING AND PARKING, EXCEPT BUSES ON THE SOUTH SIDE OF THOMAS STREET, FROM PONY AVENUE TO LARCH STREET;

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WHEREAS, site visits to the area have confirmed that the temporary parking regulations are effective in creating a safe area for the loading and unloading of students to and from school buses in front of Otto Middle School;

WHEREAS, based upon the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to prohibit stopping, standing, and parking between the hours of 7: 00 AM and 8: 00 AM & 2: 00 PM and 3:00 PM, schools days, on the north side of Thomas Street, from Larch Street to Polly Avenue, and to prohibit stopping, standing and parking, except buses, on the south side of Thomas Street, from Polly Avenue to Larch Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order 96-001, thereby authorizing the Transportation Engineer to prohibit stopping, standing, and parking between the hours of 7: 00 AM and 8: 00 AM & 2: 00 PM and 3: 00 PM, school days, on the north side of Thomas Street, from Larch Street to Polly Avenue, and to prohibit stopping, standing and parking, except buses, on the south side of Thomas Street, from Polly Avenue to Larch Street;

BE IT FINALLY RESOLVED that Traffic Control Order 96-001 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

RESOLUTION #065C-6

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Transportation Division received a request to evaluate traffic and parking operations on South East Street between Kalamazoo Street and Hillsdale Street, from the City of Lansing's Engineering Division. The Engineering Division made this request because they had received a petition to pave South East Street and install curb and gutter between Kalamazoo Street and Hillsdale Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the roadway conditions and parking activities;

WHEREAS, on February 28, 1994, Lansing City Council approved the Public Improvement I for the installation of curb and gutter and necessary drainage facilities on South East Street between Kalamazoo Street and Hillsdale Street;

WHEREAS, on August 10, 1995, the Transportation Division held a meeting of South East Street residents to discuss three alternatives for parking and traffic operations of South East Street between Kalamazoo Street and Hillsdale Street;

WHEREAS, South East Street residents agreed to the proposal to have South East Street reconstructed and signed for one-way southbound traffic with parking on the west side from Kalamazoo Street to Hillsdale Street;

WHEREAS, residents in this community voiced their concerns about the activities that are taking place on South East Street from south of 508 South East Street property line to Hillsdale Street;

WHEREAS, the Transportation Division received a petition from Joyce Brisboe of 531 Beech Street to requesting that parking be prohibited on both sides of South East Street from the south property line of 508 South East Street (187 feet south of Helen Street) to Hillsdale Street. The petition was signed by five residents, comprising four out of six households adjacent to the area of area in question;

WHEREAS, based upon the results of the Transportation Division study and resident's input, the Traffic Board concurs with the recommendation of the Transportation Division to have the following traffic and parking operations implemented after the reconstruction of South East Street from Kalamazoo Street to Hillsdale Street: 1) to convert South East Street to a one-way southbound operation; 2) to prohibit stopping, standing, and parking on the east side of South East Street from Hillsdale Street to Kalamazoo Street; 3) to allow unrestricted parking on the west side of South East Street from Kalamazoo Street to 187 feet south of Helen Street; 4) to prohibit stopping, standing, and parking on the west side of South East Street from 187 feet south of Helen Street to Hillsdale Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

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WHEREAS, THE COMMITTEE ON PUBLIC SAFETY REVIEWED THE REPORT AND CONCURS WITH THE RECOMMENDATION OF THE TRAFFIC BOARD;

NOW, THEREFORE, BE IT RESOLVED THAT THE LANSING CITY COUNCIL APPROVES TRAFFIC CONTROL ORDER NUMBERS 96-003 AND 96-004 THEREBY AUTHORIZING THE TRANSPORTATION ENGINEER TO DESIGNATE SOUTH EAST STREET AS ONE-WAY SOUTHBOUND, FROM KALAMAZOO STREET TO HILLSDALE STREET; TO PROHIBIT STOPPING, STANDING, AND PARKING ON THE EAST SIDE OF SOUTH EAST STREET FROM HILLSDALE STREET TO KALAMAZOO STREET; AND TO PROHIBIT STOPPING, STANDING, AND PARKING ON THE WEST SIDE OF SOUTH EAST STREET FROM 187 FEET SOUTH OF HELEN STREET TO HILLSDALE STREET;

BE IT FURTHER RESOLVED THAT THESE CHANGES BE IMPLEMENTED AFTER THE RECONSTRUCT-ION OF SOUTH EAST STREET BETWEEN KALAMAZOO STREET AND HILLSDALE STREET;

BE IT FINALLY RESOLVED THAT TRAFFIC CONTROL ORDER NUMBERS 96-003 AND 96-004 SHALL BECOME EFFECTIVE WHEN SIGNED BY THE TRANSPORTATION ENGINEER, FILED WITH THE CITY CLERK, AND THE APPROPRIATE SIGNS ARE ERECTED.

RESOLUTION #065D-1
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FRONM ACCT #	TRANSFER TO ACCT #
$170,000	EST. REV.-EMERGENCY SHELTER GRANT 264-0-270001-666-9	
$51,000		ESSENTIAL SERVICES 264-932666-961264-09500
$29,000		OPERATION 264-932666-741264-09500
$90,000		REHABILITATION 264-932666-975201-09500

(ESTABLISHMENT OF EXPENDITURE ACCOUNTS FOR 1995 EMERGENCY SHELTER GRANT. REVENUE DETAIL ACCOUNTS: $85,000 FEDERAL REVENUE-264-0-535871-09500. CITY GENERAL FUND-264-0-696101-09500, $45,000 CDBG-264-696250-09500.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$14,500	HSA-LOAVES & FISHES 101-833730-960179-0	
$12,750	HSA-SALVATION ARMY 101-833730-960178-0	
$12,750	HSA-CACS 101-833720-960169-0	
$40,000		HSA-EMERGENCY SHELTER 101-833710-991264-0

(GENERAL FUND GRANT MATCH FOR 1995 EMERGENCY SHELTER GRANT.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$30,000	CAPITAL PROJECTS ESTIMATED REVENUES, 410-0-170001-0 1	OLDSMOBILE PARK STRUCTURE 410-933890974000-46076

(DONATIONS, FROM OLDSMOBILE CLASSIC YOUTH CHARITIES $10,000, AND FROM CAPITAL REGION COMMUNITY FOUNDATION, CREDITED TO REVENUE DETAIL ACCOUNT 410-0-675000-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$22,300	ESTIMATED REVENUE-GENERAL FUND 101-0-170001-0	CITY MARKET-CONTROL 101-834102-992200-0
$22,300	CITY MARKET-CONTROL 101-834102-992200-0	
$6,250		MISC. & OPER. EXPENSE 101-834102-741000-0
$6,980		PROFESSIONAL SERVICES 101-834102-743050-0
$6,250		CONTR. SERVICES-TEMP. HELP 101-834102-743050-0

APPROPRIATION OF FY 96 REVENUE ($14,500 CREDITED TO REVENUE DETAIL ACCOUNT 1010-667004 FOR RENT, AND $7,800 CREDITED TO 101-0-653901-0 FOR PARKING THROUGH DECEMBER 31, 1995) FOR MARKET EXPENSES AFTER DEC. 31, 1995.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$25,000	PARK MILLAGE-CONTINGENCY 412-933890-992000-46020	SCOTT WOODS BRIDGE 412-933890-974000-46065

(TRANSFER AS RECOMMENDED BY PARK BOARD 1/17/96 DUE TO HIGHER BIDS THAN ORIGINALLY ESTIMATED FOR PROJECT.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$289,811.82	EST.REVENUE-1991 SEWER BONDS 592-0-700001-0	1991 SEWER BONDS-MISC. I&I 592-4536709730002307G

(REVENUE DETAIL ACCOUNTS 592-0-670000-0 INTEREST INCOME ($255,070.82), AND 592-0-695000-0 BOND PROCEEDS ($34,741). APPROPRIATION OF EXCESS FUNDS, PER FY 96 BUDGET, FOR I & I ELIMINATION WITHIN SEWER SYSTEM (WESTSIDE INTERCEPTOR). THIS IS AN ELIGIBLE ACTIVITY PER BONDING.)

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$7,000	Capital Projects-Estimated Revenue 410-0-170001-0	Capital Projects-Lobby Impr. 410-933690-975000-43820

(Revenue detail account 410-0-667000-0 Concession Rent. Funds for cabinets in lobby)

By Councilmember Beal

That the passage of this resolution be reconsidered

Carried unanimously

By Councilmember Beal

To delete the Transfer of $30,000 to Oldsmobile Park, and approve the remaining transfers

Carried unanimously

RESOLUTION #065D-2
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Police Department has been advised that an additional source of grant funds is available which would provide for the purchase of up to forty-five (45) laptop computers for Use by Uniform Patrol officers; and

WHEREAS, the Police Department has prepared an application in the total amount of $150,000 for the purpose of such acquisitions, with an estimated $112,500 coming from the Federal office of Community Oriented Policing Services, U.S. Department of Justice, and the balance ($37,500), to come from within the total FY96 appropriation for the Police Department; and

WHEREAS, City Council must approve such applications which would require matching funds and/or involve additional positions;

WHEREAS, the FY96 Budget Appropriation for the Lansing Police Department included funds for a Supplemental Hiring Grant which has been turned down, making those funds available to match this other grant; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing city Council accepts Federal Grant Funds in the amount of $112,500 for the purpose of acquiring laptop computers for use by Uniform Patrol officers, in order to streamline operations and minimize repeated entry of reports, freeing officer time for other priority requirements in the neighborhoods; and further authorizes use of matching funds in the amount of $37,500 from within the existing Police Department appropriation; and

BE IT FINALLY RESOLVED, that the City Council hereby authorizes the Administration to make the appropriate transfers of matching funds for implementation of this grant.

RESOLUTION #065D-3
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has recommended the appointment of Mr. Kenneth G. MacDonald to an at-large position of the Board of Review; and

WHEREAS, Mr. MacDonald was interviewed by the Committee on ways and Means, wherein the Committee members determined that he was qualified to serve the City in this capacity;

NOW, THEREFORE, BE IT RESOLVED, that the appointment of Mr. Kenneth G. MacDonald is hereby confirmed. Term expires in June of 1997.

RESOLUTION #065D-4
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has recommended the appointment of Mr. Robert L. Pohl to an at-large position of the Board of Review; and

WHEREAS, Mr. Pohl was interviewed by the Committee on Ways and Means, wherein the Committee members determined that he was qualified to serve the City in this capacity;

NOW, THEREFORE, BE IT RESOLVED, that the appointment of Mr. Robert Pohl is hereby confirmed. Term expires in June of 1998.

RESOLUTION #065D-5
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, on October 23, 1995, the City Council appropriated $40,000 for the purpose of funding community initiatives; and

WHEREAS, on November 29, 1995, the City Council authorized the expenditure of $3,500 for Saint Vincent Home; and

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WHEREAS, $3,500 was transferred erroneously without the approval of the Ways and Means Committee; and

WHEREAS, the City Controller and the Internal Auditor have worked out a process for the expenditure of these funds.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby authorizes a single transfer of $3,500 from the City Council Promotion Account to the appropriate Human Relations Account in order to fund the Saint Vincent Home request; and

BE IT FINALLY RESOLVED the Lansing City Council requests the Human Relations Department to prepare and execute the appropriate contract on behalf of the City.

RESOLUTION #065E-1
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the financial hardship experienced by low-income families is intensified by the severe impact of winter in Michigan, causing limited resources to be stretched and a disproportionate share of income to be used to provide the simple necessity of a safe and warm home; and

WHEREAS, Federal and State programs intended to deal with heating-related emergencies have declined dramatically in recent years, particularly affecting people who fall outside the established welfare system, the unemployed and the underemployed; and

WHEREAS, Capital Area Community Services, in an effort to raise money to help people throughout our community who suffer the effects of heating-related emergencies, is sponsoring their annual "Walk for Warmth" on Saturday, February 24th, in Ingham, Eaton, Clinton and Shiawassee counties;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 19th day of February, 1996, hereby recognizes Saturday, February 24, 1996, as "WALK FOR WARMTH DAY IN LANSING"; and

BE IT FURTHER RESOLVED the Council urges all Citizens to s ow compassion for their neighbors in need by actively participating in this very worthy event.

RESOLUTIONS

RESOLUTION #066

BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

SLU-15-95, BWL Property at Aurelius Road and Main Street, Construction of Tower in Floodplain

WHEREAS New Tower, Inc., has requested a Special Land Use (SLU-15-95) permit for the construction of a 320-foot-tall AM Radio Tower and equipment building in the floodplain of the Red Cedar River on property owned by the City for purposes of Board of Water and Light, and

WHEREAS the Board of Water and Light, by resolution (96-1-10), has determined that the property is not needed for the operation of the Board of Water and Light and has negotiated a commercial lease for twenty years with automatic renewal for twenty year increments unless canceled by New Tower, Inc. with one year written notice, and

WHEREAS Section 1274.02 (d) of the Zoning Code permits radio towers in the "H" Light Industrial District, and

WHEREAS a Special Land Use permit is required because the tower/equipment building is being located in the floodplain of the Red Cedar River, and

WHEREAS a public hearing is not required by the City Council, and

WHEREAS the Planning Board has reviewed the petition, according to Chapter 1282 of the Planning and Zoning Code, and at their November 21, 1995 meeting unanimously (7-0) recommended approval of the request, and

WHEREAS the Board of Zoning Appeals at their November 9, 1995 meeting granted the necessary height variance for the tower (Appeal #3376.95) with conditions, and

WHEREAS the River and Waterfront Board reviewed the development of the tower, part of which is within 1501 of the Red Cedar River, and had no additional comments to the Planning Office recommendation, and

WHEREAS the Mayor concurs in the recommendation of the Planning Board, and

WHEREAS the Committee on Development and Planning has reviewed the report of the Planning Board and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lansing hereby approve

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THE SPECIAL LAND USE REQUEST BY NEW TOWER, INC. (SLU-15-95) FOR THE CONSTRUCTION OF A 320-FOOT-TALL AM RADIO TOWER AND EQUIPMENT BUILDING IN THE FLOODPLAIN OF THE RED CEDAR RIVER, SUBJECT TO THE IMPLEMENTATION OF A LANDSCAPE PLAN APPROVED BY THE DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT AND THE BOARD OF WATER AND LIGHT, WITH THE PURPOSE OF INCREASING THE LANDSCAPE SCREENING OF THIS PROPERTY FROM THE RIVER TRAIL.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #067
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-30-95, USE OF PUBLIC LAND FOR PRIVATE USE

WHEREAS NEW TOWER INC, HAS REQUESTED AN ACT 285 REVIEW (ACT-30-95) TO ALLOW THE LEASE OF PUBLIC LAND FOR PRIVATE USE OF A 320 FT. AM RADIO TOWER AND EQUIPMENT BUILDING, AND

WHEREAS THE BOARD OF WATER AND LIGHT, BY RESOLUTION (96-1-10), HAS DETERMINED THAT THE PROPERTY IS NOT NEEDED FOR THE OPERATION OF THE BOARD OF WATER AND LIGHT AND HAS NEGOTIATED A COMMERCIAL LEASE FOR TWENTY YEARS WITH AUTOMATIC RENEWAL FOR TWENTY YEAR INCREMENTS UNLESS CANCELED BY NEW TOWER, INC. WITH ONE YEAR WRITTEN NOTICE, AND

WHEREAS BASED UPON THE ACT 285 REVIEW, THE LOCATION, CHARACTER AND EXTENT APPEARS TO BE REASONABLE, AND

WHEREAS A PUBLIC HEARING IS NOT REQUIRED AT CITY COUNCIL, AND

WHEREAS THE PLANNING BOARD HAS REVIEWED THE PETITION, ACCORDING TO THE STANDARDS OF THE MUNICIPAL PLANNING ACT (P.A. 285), AND AT THEIR NOVEMBER 21, 1995 MEETING UNANIMOUSLY (7-0) RECOMMENDED APPROVAL OF THE REQUEST, AND

WHEREAS THE RIVER AND WATERFRONT BOARD REVIEWED THE DEVELOPMENT OF THE TOWER, PART OF WHICH IS WITHIN 150' OF THE RED CEDAR RIVER, AND HAD NO ADDITIONAL COMMENTS TO THE PLANNING OFFICE RECOMMENDATION, AND

WHEREAS THE MAYOR CONCURS IN THE RECOMMENDATION OF THE PLANNING BOARD, AND

WHEREAS THE COMMITTEE ON DEVELOPMENT AND PLANNING CONCURS WITH THE RECOMMENDATION OF THE MAYOR,

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF LANSING HEREBY CONCURS WITH THE BOARD OF WATER AND LIGHT'S RESOLUTION THAT THE PROPERTY IS NOT NEEDED FOR THE OPERATION OF THE BOARD OF WATER AND LIGHT AND HEREBY APPROVES THE ACT 285 REVIEW (ACT-30-95) REQUEST BY NEW TOWER INC, TO ALLOW THE LEASE OF PUBLIC LAND FOR PRIVATE USE OF AN AM RADIO TOWER WITH EQUIPMENT BUILDING.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #068
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING,
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-18-95, THE BWL'S PROPOSED ACQUISITION FOR A WELL SITE (SITE #1)

WHEREAS, THE BOARD OF WATER AND LIGHT (BWL) INTENDS TO ACQUIRE BY PURCHASE FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES (MDNR) REAL PROPERTY LOCATED BETWEEN WISE AND RENEE JUST SOUTH OF MIDWOOD, LANSING, MICHIGAN (PPN 3305-06-202-052) FOR THE PURPOSE OF FUTURE WELL SITE DEVELOPMENT, AND

WHEREAS, SAID SITE IS ONE OF SIX WELL SITES INTENDED TO BE PURCHASED FROM MDNR IN THE SOUTH END OF THE BWL'S SYSTEM TO PROVIDE FOR AVAILABILITY OF RAW WATER FOR PROCESSING AT THE WISE WATER CONDITIONING PLANT, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO PURCHASE THIS 3.55 ACRE PARCEL TO FACILITATE A 1 ACRE WELL FIELD. THE BOARD OF WATER AND LIGHT BELIEVES THAT THE REMAINDER OF THE PROPERTY SHOULD BE DEVELOPED FOR RESIDENTIAL PURPOSES IN ORDER TO UTILIZE THE LAND MORE EFFICIENTLY , AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO COMPLY WITH ALL MICHIGAN DEPARTMENT OF NATURAL RESOURCE AND DEPARTMENT OF PUBLIC HEALTH GUIDELINES IN THE PURCHASE AND DEVELOPMENT OF THE PROPOSED WELL SITE, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS THAT THE REMAINDER OF THE PARCEL BE SPLIT FROM THE WELL SITE AND TARGETED FOR A NEIGHBORHOOD ENTERPRISE ZONE (ZONE) AS ESTABLISHED BY THE STATE OF MICHIGAN (ACT 147 P.A. 1992), AND

WHEREAS, THE BOARD OF WATER AND LIGHT HAS COOPERATIVELY PROPOSED WITH THE CITY OF LANSING THAT:

1. THE BOARD OF WATER AND LIGHT WORKS WITH

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THE CITY OF LANSING PLANNING OFFICE TO DEVELOP AND SUBSEQUENTLY SUBMIT A SITE PLAN THAT MINIMIZES BWL'S USE OF THE SITE TO A REASONABLE AMOUNT OF LAND AREA, AND

2. AT THE TIME THE WELL SITE IS NO LONGER DEEMED NECESSARY BY THE BOARD OF WATER AND LIGHT; THE PARCEL IS OFFERED FIRST TO THE CITY OF LANSING FOR A NOMINAL FEE; SECONDLY TO THE ADJACENT PROPERTY OWNERS, AND FINALLY TO THE GENERAL PUBLIC, AND

3. ALL REVENUES FROM THE SALE OF EXCESS LAND IN REGARDS TO THIS PARCEL PRESENT AND FUTURE WILL BE RETAINED BY THE CITY FOR THE COOPERATIVE DEVELOPMENT, MAINTENANCE, AND IMPROVEMENT OF A GEOGRAPHICAL INFORMATION SYSTEM FOR THE CITY OF LANSING AND THE BOARD OF WATER AND LIGHT, AND

WHEREAS, THE PLANNING BOARD CONDUCTED AN ACT 285 REVIEW (ACT-1895) FOR CHARACTER, LOCATION AND EXTENT OF THE SUBJECT PARCEL, AND FOUND THAT THE REQUESTED ACQUISITION WOULD HAVE NO ADVERSE EFFECT ON THE PUBLIC INTEREST, AND

WHEREAS, ON JANUARY 9, 1996, THE PLANNING BOARD RECOMMENDED APPROVAL (7-0) OF SAID ACQUISITION AND DEVELOPMENT OF SAID PARCEL, AND WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING HAS REVIEWED THE REPORT AND RECOMMENDATION OF THE PLANNING BOARD AND CONCURS THEREWITH,

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL HEREBY CONCURS IN THE BOARD OF WATER AND LIGHT (BWL) PURCHASE OF THE 3. 55 ACRE PARCEL LOCATED BETWEEN WISE AND RENEE JUST SOUTH OF MIDWOOD, LANSING, MICHIGAN (PPN 3305-06-202-052), IN THE NAME OF THE CITY OF LANSING FOR ITS BWL PURPOSES, TO FACILITATE WELL FIELD DEVELOPMENT AND FOR FUTURE DEVELOPMENT OF THAT PORTION OF THE PARCEL WHEN IT IS DETERMINED THAT IT IS NO LONGER NEEDED FOR THE OPERATION OF THE BWL.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #069
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING,
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-19-95, THE BWL'S PROPOSED ACQUISITION FOR A WELL SITE (SITE #2)

WHEREAS, THE BOARD OF WATER AND LIGHT (BWL) INTENDS TO ACQUIRE BY PURCHASE FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES (MDNR) REAL PROPERTY LOCATED ON THE NORTH SIDE OF MIDWOOD, WEST OF PLEASANT GROVE, LANSING, MICHIGAN (PPN 3305-06-226-111 AND 3305-06-226-127) FOR THE PURPOSE OF FUTURE WELL SITE DEVELOPMENT, AND

WHEREAS, SAID SITE IS ONE OF SIX WELL SITES INTENDED TO BE PURCHASED FROM MDNR IN THE SOUTH END OF THE BWL'S SYSTEM TO PROVIDE FOR AVAILABILITY OF RAW WATER FOR PROCESSING AT THE WISE WATER CONDITIONING PLANT, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO PURCHASE THIS .52 ACRE PARCEL TO FACILITATE A 1 ACRE WELL FIELD. THE BOARD OF WATER AND LIGHT WILL SEEK SPECIAL EXEMPTIONS BY THE MICHIGAN DEPARTMENT OF PUBLIC HEALTH DUE TO THE LIMITED SIZE OF THIS PARCEL , AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO COMPLY WITH ALL MICHIGAN DEPARTMENT OF NATURAL RESOURCE AND DEPARTMENT OF PUBLIC HEALTH GUIDELINES IN THE PURCHASE AND DEVELOPMENT OF THE PROPOSED WELL SITE, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS THAT THE REMAINDER OF THE PARCEL BE SPLIT FROM THE WELL SITE AND TARGETED FOR A NEIGHBORHOOD ENTERPRISE ZONE (ZONE) AS ESTABLISHED BY THE STATE OF MICHIGAN (ACT 147 P.A. 1992), AND

WHEREAS, THE BOARD OF WATER AND LIGHT HAS COOPERATIVELY PROPOSED WITH THE CITY OF LANSING THAT:

1. THE BOARD OF WATER AND LIGHT WORKS WITH THE CITY OF LANSING PLANNING OFFICE TO DEVELOP AND SUBSEQUENTLY SUBMIT A SITE PLAN THAT MINIMIZES BWL'S USE OF THE SITE TO A REASONABLE AMOUNT OF LAND AREA, AND

2. AT THE TIME THE WELL SITE IS NO LONGER DEEMED NECESSARY BY THE BOARD OF WATER AND LIGHT; THE PARCEL IS OFFERED FIRST TO THE CITY OF LANSING FOR A NOMINAL FEE; SECONDLY TO THE ADJACENT PROPERTY OWNERS, AND FINALLY TO THE GENERAL PUBLIC, AND

3. ALL REVENUES FROM THE SALE OF EXCESS LAND IN REGARDS TO THIS PARCEL PRESENT AND FUTURE WILL BE RETAINED BY THE CITY FOR THE COOPERATIVE DEVELOPMENT, MAINTENANCE, AND IMPROVEMENT OF A GEOGRAPHICAL INFORMATION SYSTEM FOR THE CITY OF LANSING AND THE BOARD OF WATER AND LIGHT, AND

WHEREAS, THE PLANNING BOARD CONDUCTED AN ACT 285 REVIEW (ACT-1995) FOR CHARACTER, LOCATION AND EXTENT OF THE SUBJECT PARCEL, AND FOUND THAT THE REQUESTED ACQUISITION WOULD HAVE NO ADVERSE EFFECT ON THE PUBLIC INTEREST, AND

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WHEREAS, on January 9, 1996, the Planning Board recommended approval (7-0) of said acquisition and development of said parcel, and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby concurs in the Board of Water and Light (BWL) purchase of the .52 acre parcel located on the north side of Midwood, west of Pleasant Grove, Lansing, Michigan (PPN 3305-06-226-111 and 3305-06-226-127) . in the name of the City of Lansing for its BWL purposes, to facilitate well field development and for future development of that portion of the parcel when it is determined that it is no longer needed for the operation of the BWL.

By Councilmember Lilly

Carried unanimously

RESOLUTION #070
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING,
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Act-20-95, The BWL's proposed acquisition for a well site (site #3)

WHEREAS, the Board of Water and Light (BWL) intends to acquire by purchase from the Michigan Department of Natural Resources (MDNR) real property located on the south side of Cavanaugh near Dier, Lansing, Michigan (PPN 3301-35-327-064) for the purpose of future well site development, and

WHEREAS, said site is one of six well sites intended to be purchased from MDNR in the south end of the BWL's system to provide for availability of raw water for processing at the Wise Water Conditioning Plant, and

WHEREAS, the Board of Water and Light intends to purchase this 4.31 acre parcel to facilitate a 1 acre well field. The Board believes that the remainder of the property should be developed for residential purposes in order to utilize the land more efficiently , and

WHEREAS, the Board of Water and Light intends to comply with all Michigan Department of Natural Resource and Department of Public Health guidelines in the purchase and development of the proposed well site, and

WHEREAS, the Board of Water and Light intends that the remainder of the parcel be split from the well site and targeted for a Neighborhood Enterprise Zone (Zone) as established by the State of Michigan (Act 147 P.A. 1992), and

WHEREAS, the Board of Water and Light has cooperatively proposed with the City of Lansing that:

1. The Board of Water and Light works with the City of Lansing Planning Office to develop and subsequently submit a site plan that minimizes BWL's use of the site to a reasonable amount of land area, and

2. At the time the well site is no longer deemed necessary by the Board of Water and Light; the parcel is offered first to the City of Lansing for a nominal fee; secondly to the adjacent property owners, and finally to the general public, and

3. All revenues from the sale of excess land in regards to this parcel present and future will be retained by the City for the cooperative development, maintenance, and improvement of a Geographical Information System for the City of Lansing and the Board of Water and Light, and

WHEREAS, the Planning Board conducted an ACT 285 Review (Act-2095) for character, location and extent of the subject parcel, and found that the requested acquisition would have no adverse effect on the public interest, and

WHEREAS, on January 9, 1996, the Planning Board recommended approval (7-0) of said acquisition and development of said parcel, and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby concurs in the Board of Water and Light (BWL) purchase of the 4.31 acre parcel located on the south side of Cavanaugh near Dier, Lansing, Michigan (PPN 3301-35-327-064) . in the name of the City of Lansing for its BWL purposes, to facilitate well field development and for future development of that portion of the parcel when it is determined that it is no longer needed for the operation of the BWL.

By Councilmember Lilly

Carried unanimously

RESOLUTION #071

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BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING,
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-21-95, THE BWL'S PROPOSED ACQUISITION FOR A WELL SITE (SITE #4)

WHEREAS, THE BOARD OF WATER AND LIGHT (BWL) INTENDS TO ACQUIRE BY PURCHASE FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES (MDNR) REAL PROPERTY LOCATED APPROXIMATELY 400, SOUTH OF JOLLY ROAD, ON THE EAST SIDE OF HUGHES, LANSING, MICHIGAN (PPN 3305-05-103-033 & 3305-05-103-065) FOR THE PURPOSE OF FUTURE WELL SITE DEVELOPMENT, AND

WHEREAS, SAID SITE IS ONE OF SIX WELL SITES INTENDED TO BE PURCHASED FROM MDNR IN THE SOUTH END OF THE BWL'S SYSTEM TO PROVIDE FOR AVAILABILITY OF RAW WATER FOR PROCESSING AT THE WISE WATER CONDITIONING PLANT, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO PURCHASE THIS 1.9 ACRE PARCEL TO FACILITATE A 1 ACRE WELL FIELD. TO DEVELOP A WELL SITE WITH THE REQUIRED ISOLATION ZONE A PARCEL OF APPROXIMATELY 1 ACRE IS NEEDED. THE BOARD BELIEVES THAT THE REMAINDER OF THE PROPERTY SHOULD BE DEVELOPED FOR RESIDENTIAL PURPOSES IN ORDER TO UTILIZE THE LAND MORE EFFICIENTLY , AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO COMPLY WITH ALL MICHIGAN DEPARTMENT OF NATURAL RESOURCE AND DEPARTMENT OF PUBLIC HEALTH GUIDELINES IN THE PURCHASE AND DEVELOPMENT OF THE PROPOSED WELL SITE, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS THAT THE REMAINDER OF THE PARCEL BE SPLIT FROM THE WELL SITE AND TARGETED FOR A NEIGHBORHOOD ENTERPRISE ZONE (ZONE) AS ESTABLISHED BY THE STATE OF MICHIGAN (ACT 147 P.A. 1992), AND

WHEREAS, THE BOARD OF WATER AND LIGHT HAS COOPERATIVELY PROPOSED WITH THE CITY OF LANSING THAT:

1. THE BOARD OF WATER AND LIGHT WORKS WITH THE CITY OF LANSING PLANNING OFFICE TO DEVELOP AND SUBSEQUENTLY SUBMIT A SITE PLAN THAT MINIMIZES BWL'S USE OF THE SITE TO A REASONABLE AMOUNT OF LAND AREA, AND

2. AT THE TIME THE WELL SITE IS NO LONGER DEEMED NECESSARY BY THE BOARD OF WATER AND LIGHT; THE PARCEL IS OFFERED FIRST TO THE CITY OF LANSING FOR A NOMINAL FEE; SECONDLY TO THE ADJACENT PROPERTY OWNERS, AND FINALLY TO THE GENERAL PUBLIC, AND

3. ALL REVENUES FROM THE SALE OF EXCESS LAND IN REGARDS TO THIS PARCEL PRESENT AND FUTURE WILL BE RETAINED BY THE CITY FOR THE COOPERATIVE DEVELOPMENT, MAINTENANCE, AND IMPROVEMENT OF A GEOGRAPHICAL INFORMATION SYSTEM FOR THE CITY OF LANSING AND THE BOARD OF WATER AND LIGHT, AND

WHEREAS, THE PLANNING BOARD CONDUCTED AN ACT 285 REVIEW (ACT-2195) FOR CHARACTER, LOCATION AND EXTENT OF THE SUBJECT PARCEL, AND FOUND THAT THE REQUESTED ACQUISITION WOULD HAVE NO ADVERSE EFFECT ON THE PUBLIC INTEREST, AND

WHEREAS, ON JANUARY 9, 1996, THE PLANNING BOARD RECOMMENDED APPROVAL (7-0) OF SAID ACQUISITION AND DEVELOPMENT OF SAID PARCEL, AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING HAS REVIEWED THE REPORT AND RECOMMENDATION OF THE PLANNING BOARD AND CONCURS THEREWITH,

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL HEREBY CONCURS IN THE BOARD OF WATER AND LIGHT (BWL) PURCHASE OF THE 1.9 ACRE PARCEL LOCATED APPROXIMATELY 400, SOUTH OF JOLLY ROAD, ON THE EAST SIDE OF HUGHES, LANSING, MICHIGAN (PPN 3305-05-103-033 & 3305-05-103-065) , IN THE NAME OF THE CITY OF LANSING FOR ITS BWL PURPOSES, TO FACILITATE WELL FIELD DEVELOPMENT AND FOR FUTURE DEVELOPMENT OF THAT PORTION OF THE PARCEL WHEN IT IS DETERMINED THAT IT IS NO LONGER NEEDED FOR THE OPERATION OF THE BWL.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #072

BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING,
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-22-95, THE BWL'S PROPOSED ACQUISITION FOR A WELL SITE (SITE #5)

WHEREAS, THE BOARD OF WATER AND LIGHT (BWL) INTENDS TO ACQUIRE BY PURCHASE FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES (MDNR) REAL PROPERTY LOCATED ON THE WEST SIDE OF HUGHES ROAD, SOUTH OF MOFFITT, LANSING, MICHIGAN (PPN 3305-05-151-022 & 3305-05-151-029) FOR THE PURPOSE OF FUTURE WELL SITE DEVELOPMENT, AND

WHEREAS, SAID SITE IS ONE OF SIX WELL SITES INTENDED TO BE PURCHASED FROM MDNR IN THE SOUTH END OF THE BWL'S SYSTEM TO PROVIDE FOR AVAILABILITY OF RAW WATER FOR PROCESSING AT THE WISE WATER CONDITIONING PLANT, AND

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WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO PURCHASE THIS 7.93 ACRE PARCEL TO FACILITATE A 1 ACRE WELL FIELD. TO DEVELOP A WELL SITE WITH THE REQUIRED ISOLATION ZONE A PARCEL OF APPROXIMATELY 1 ACRE IS NEEDED. THE BOARD BELIEVES THAT THE REMAINDER OF THE PROPERTY SHOULD BE DEVELOPED FOR RESIDENTIAL PURPOSES IN ORDER TO UTILIZE THE LAND MORE EFFICIENTLY , AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO COMPLY WITH ALL MICHIGAN DEPARTMENT OF NATURAL RESOURCE AND DEPARTMENT OF PUBLIC HEALTH GUIDELINES IN THE PURCHASE AND DEVELOPMENT OF THE PROPOSED WELL SITE, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS THAT THE REMAINDER OF THE PARCEL BE SPLIT FROM THE WELL SITE AND TARGETED FOR A NEIGHBORHOOD ENTERPRISE ZONE .(ZONE) AS ESTABLISHED BY THE STATE OF MICHIGAN (ACT 147 P.A. 1992), AND

WHEREAS, THE BOARD OF WATER AND LIGHT HAS COOPERATIVELY PROPOSED WITH THE CITY OF LANSING THAT:

1. THE BOARD OF WATER AND LIGHT WORKS WITH THE CITY OF LANSING PLANNING OFFICE TO DEVELOP AND SUBSEQUENTLY SUBMIT A SITE PLAN THAT MINIMIZES BWL'S USE OF THE SITE TO A REASONABLE AMOUNT OF LAND AREA, AND

2. AT THE TIME THE WELL SITE IS NO LONGER DEEMED NECESSARY BY THE BOARD OF WATER AND LIGHT; THE PARCEL IS OFFERED FIRST TO THE CITY OF LANSING FOR A NOMINAL FEE; SECONDLY TO THE ADJACENT PROPERTY OWNERS, AND FINALLY TO THE GENERAL PUBLIC, AND

3. ALL REVENUES FROM THE SALE OF EXCESS LAND IN REGARDS TO THIS PARCEL PRESENT AND FUTURE WILL BE RETAINED BY THE CITY FOR THE COOPERATIVE DEVELOPMENT, MAINTENANCE, AND IMPROVEMENT OF A GEOGRAPHICAL INFORMATION SYSTEM FOR THE CITY OF LANSING AND THE BOARD OF WATER AND LIGHT, AND

WHEREAS, THE PLANNING BOARD CONDUCTED AN ACT 285 REVIEW (ACT-2295) FOR CHARACTER, LOCATION AND EXTENT OF THE SUBJECT PARCEL, AND FOUND THAT THE REQUESTED ACQUISITION WOULD HAVE NO ADVERSE EFFECT ON THE PUBLIC INTEREST, AND

WHEREAS, ON JANUARY 9, 1996, THE PLANNING BOARD RECOMMENDED APPROVAL (7-0) OF SAID ACQUISITION AND DEVELOPMENT OF SAID PARCEL, AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING HAS REVIEWED THE REPORT AND RECOMMENDATION OF THE PLANNING BOARD AND CONCURS THEREWITH,

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL HEREBY CONCURS IN THE BOARD OF WATER AND LIGHT (BWL) PURCHASE OF THE 7.93 ACRE PARCEL LOCATED ON THE WEST SIDE OF HUGHES ROAD, SOUTH OF MOFFITT, LANSING, MICHIGAN (PPN 3305-05-151-022 & 3305-05-151-029) , IN THE NAME OF THE CITY OF LANSING FOR ITS BWL PURPOSES, TO FACILITATE WELL FIELD DEVELOPMENT AND FOR FUTURE DEVELOPMENT OF THAT PORTION OF THE PARCEL WHEN IT IS DETERMINED THAT IT IS NO LONGER NEEDED FOR THE OPERATION OF THE BWL.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #073
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING,
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-23-95, THE BWL'S PROPOSED ACQUISITION FOR A WELL SITE (SITE #6)

WHEREAS, THE BOARD OF WATER AND LIGHT (BWL) INTENDS TO ACQUIRE BY PURCHASE FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES (MDNR) REAL PROPERTY LOCATED DIRECTLY EAST OF WEXFORD SCHOOL, LANSING, MICHIGAN (PPN 3305-06-126-126) FOR THE PURPOSE OF FUTURE WELL SITE DEVELOPMENT, AND

WHEREAS, SAID SITE IS ONE OF SIX WELL SITES INTENDED TO BE PURCHASED FROM MDNR IN THE SOUTH END OF THE BWL'S SYSTEM TO PROVIDE FOR AVAILABILITY OF RAW WATER FOR PROCESSING AT THE WISE WATER CONDITIONING PLANT, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO PURCHASE THIS 4.51 ACRE PARCEL TO FACILITATE A 1 ACRE WELL FIELD. TO DEVELOP A WELL SITE WITH THE REQUIRED ISOLATION ZONE A PARCEL OF APPROXIMATELY 1 ACRE IS NEEDED. THE BOARD BELIEVES THAT THE REMAINDER OF THE PROPERTY SHOULD BE DEVELOPED FOR RESIDENTIAL PURPOSES IN ORDER TO UTILIZE THE LAND MORE EFFICIENTLY , AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS TO COMPLY WITH ALL MICHIGAN DEPARTMENT OF NATURAL RESOURCE AND DEPARTMENT OF PUBLIC HEALTH GUIDELINES IN THE PURCHASE AND DEVELOPMENT OF THE PROPOSED WELL SITE, AND

WHEREAS, THE BOARD OF WATER AND LIGHT INTENDS THAT THE REMAINDER OF THE PARCEL BE SPLIT FROM THE WELL SITE AND TARGETED FOR A NEIGHBORHOOD ENTERPRISE ZONE (ZONE) AS ESTABLISHED BY THE STATE OF MICHIGAN (ACT 147 P.A. 1992), AND

WHEREAS, THE BOARD OF WATER AND LIGHT HAS COOPERATIVELY PROPOSED WITH THE CITY OF LANSING THAT:

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1. The Board of Water and Light works with the City of Lansing Planning Office to develop and subsequently submit a site plan that minimizes BWL's use of the site to a reasonable amount of land area, and

2. At the time the well site is no longer deemed necessary by the Board of Water and Light; the parcel is offered first to the City of Lansing for a nominal fee; secondly to the adjacent property owners, and finally to the general public, and

3. All revenues from the sale of excess land in regards to this parcel present and future will be retained by the City for the cooperative development, maintenance, and improvement of a Geographical Information System for the City of Lansing and the Board of Water and Light, and

WHEREAS, the Planning Board conducted an ACT 285 Review (Act-2395) for character, location and extent of the subject parcel, and found that the requested acquisition would have no adverse effect on the public interest, and

WHEREAS, on January 9, 1996, the Planning Board recommended approval (7-0) of said acquisition and development of said parcel, and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby concurs in the Board of Water and Light (BWL) purchase of the 4. 51 acre parcel located directly East of Wexford School, Lansing, Michigan (PPN 3305-06-126-126) , in the name of the City of Lansing for its BWL purposes, to facilitate well field development and for future development of that portion of the parcel when it is determined that it is no longer needed for the operation of the BWL.

By Councilmember Lilly

Carried unanimously

RESOLUTION #074
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Whereas, the Mayor has recommended the appointment of Ms. Kate McNenly to the Lansing Entertainment and Public Facilities Authority; and

Whereas, the Committee interviewed Ms. McNenly on February 15, 1996, and found her to be well qualified to serve the City in this capacity;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's appointment of Kate McNenly to the Lansing Entertainment and Public Facilities Authority is hereby confirmed. Term expires December 31, 1998.

By Councilmember Bauer

Carried unanimously

RESOLUTION #075
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Whereas, the Mayor has recommended the appointment of Ms. Ellen Jeffries to the Lansing Entertainment and Public Facilities Authority; and

Whereas, the Committee interviewed Ms. Jeffries on February 15, 1996, and found her to be well qualified to serve the City in this capacity;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's appointment of Ms. Ellen Jeffries to the Lansing Entertainment and Public Facilities Authority is hereby confirmed. Term expires December 31, 1997.

By Councilmember Bauer

Carried unanimously

RESOLUTION #076
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Whereas, the Mayor has recommended the appointment of Mr. Charles Janssen to the Lansing Entertainment and Public Facilities Authority; and

Whereas, the Committee interviewed Mr. Janssen on February 15, 1996, and found him to be well qualified to serve the City in this capacity;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor's appointment of Charles Janssen to the Lansing Entertainment and Public Facilities Authority is hereby confirmed. Term expires December 31, 1996.

By Councilmember Bauer

Carried unanimously

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RESOLUTION #077
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS APPOINTED DAVID A. MAXSAM, 3610 INVERARY DRIVE, TO FILL A VACANCY IN THE THIRD WARD SEAT ON THE BOARD OF POLICE COMMISSIONERS, FOR A TERM TO EXPIRE JUNE 30, 1999; AND

WHEREAS, THE COMMITTEE ON PUBLIC SAFETY HAS INTERVIEWED THE APPOINTEE AND FOUND HIM TO BE EXCEPTIONALLY WELL QUALIFIED TO SERVE ON THIS BOARD;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE APPOINTMENT OF DAVID MAXSAM TO THE THIRD WARD SEAT ON THE BOARD OF POLICE COMMISSIONERS, FOR A TERM TO EXPIRE JUNE 30, 1999.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #078
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, ON APRIL 3, 1995, THE CITY COUNCIL ADOPTED RESOLUTION #241 THE CITY OF LANSING FIVE YEAR RECREATION PLAN FOR 1995 THROUGH 2000; AND

WHEREAS, IN ORDER TO BE ELIGIBLE TO RECEIVE GRANT FUNDS FROM THE STATE OF MICHIGAN DEPARTMENT OF NATURAL RESOURCES (MDNR), PROJECTS MUST BE CONTAINED IN THE FIVE YEAR PARKS AND RECREATION PLAN; AND

WHEREAS, THE PARK BOARD ON JANUARY 17, 1996, RECOMMENDED MAKING GRANT APPLICATIONS FOR THE FOLLOWING PROJECTS:

MDNR TRUST FUND GRANTS
HUNTER PARK POOL RENOVATIONS
MDNR $375,000
MILLAGE $125,000
FRANCES PARK SHORELINE IMPROVEMENTS
MDNR $408,900
MILLAGE $136,300
KIRCHER FIELD
MDNR $261,700
MILLAGE $ 87,280
MCKINCH PARK
MDNR $252,200
MILLAGE $ 84,150
FISHERIES GRANT
RIVER TRAIL WEST - DOCK
MDNR $ 20,000
MILLAGE $ 20,000
MDOT ISTEA GRANT
RIVER TRAIL - CLIPPERT ST. TO MSU/MICHIGAN AVENUE
MDOT ISTEA $388,900
MILLAGE $ 49,010
CITY OF E LANSING $ 49,010

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY AUTHORIZES THE MAYOR TO SUBMIT GRANT APPLICATIONS TO THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND MICHIGAN DEPARTMENT OF TRANSPORTATION FOR THE CAPITAL IMPROVEMENT PROJECTS DELINEATED ABOVE.

BY COUNCILMEMBER BEAL

TO ACCEPT A FRIENDLY AMENDMENT FROM COUNCILMEMBER LILLY TO ADD A FINAL PARAGRAPH TO READ AS FOLLOWS:

"BE IT FINALLY RESOLVED THAT IF THE GRANT MONIES ARE RECEIVED, THE ADMINISTRATION IS AUTHORIZED TO ESTABLISH THE APPROPRIATE ACCOUNTS AND TO TRANSFER THE FUNDS"

CARRIED UNANIMOUSLY

ITEM #XII E-6, RESOLUTION APPROVING AN URBAN FORESTRY GRANT ACCEPTANCE, WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BEAL

RESOLUTION #079
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$250	ESTIMATED REVENUES-GENERAL FUND 101-0-170001-0	FIRE DEPARTMENT-CONTROL 101-343501-992200-0
$250	FIRE DEPARTMENT-CONTROL 101-343501-992200-0	FIRE DEPARTMENT-DONATIONS 101-343501-741880-0

(REVENUE DETAIL ACCOUNT 101-675000-0. DONATION FROM RESIDENT GOVERNING COUNCIL OF FRIENDSHIP MANOR ($200) AND FROM CAROL SCHULL P.C.A. ($50).)

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$330,000	Gen Fund Debt-Loan Principal 101-874400-981000-0	
$ 60,000	General Fund Debt-Loan Interest 101-874400-982000-0	
$390,000		General Fund Debt-Control 101-874400-992200-13055
$390,000	General Fund Debt-Control 101-874400-992200-13055	General Administration-Control 101-173901-992200-0
$390,000		General Admin. Stormwater Utility Fee 101-173901-744000-0

(Payment of utility fee for water runoff from City owned property.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$5,400	Police Data Operations-Software 101-343223-741890-0	
$13,035	Police Uniform-Salaries 101-343251-702000-0	
$5,578		Police Data Oper. -Misc & Oper 101-343223-741000-0
$13,607		Police Data Oper. -Equipment 101-343223-977000-0

(Bid price for barcode system in excess of budget. Funding for software, hardware, training and maintenance. Includes purchase of two barcode scanners, docking station and printer.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$30,000	Estimated Revenues-Capital Projects 410-0-170001-0	Park Playground Equipment 410-933992-977009-43804

(Donation of $10,000 from Oldsmobile Classic Youth Charities and $20,000 from Capital Region Community Foundation, credited to revenue detail account 410-0675000.

By Councilmember Beal

To place an affirmative roll on the transfer resolution

By Councilmember Benavides

To separate the question on these transfers and to recuse Councilmember Novak from the vote on the Stormwater Utility Transfer

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Bauer, Benavides

NAYS: Councilmembers Allen, Beal, Jones, Leeman, Lilly

ABSTAIN: Councilmember Novak

Councilmember Beal's motion for affirmative roll was

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 8

NAYS: 0

RESOLUTION #080
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing and the Capitol City Lodge #141, Fraternal Order of Police, 911 Operators Division, have negotiated a labor agreement for the period covering July 1, 1995 through December 31, 1997; and

WHEREAS, the 911 Operators unit membership has ratified this agreement; and

WHEREAS, the Mayor has recommended that the contract be approved; and

WHEREAS, the City Council has reviewed the contract provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the contract between the City of Lansing and the Capitol City Lodge #141, 911 operators Division for the period July 1, 1995 through December 31, 1997; and

BE IT FURTHER RESOLVED, that the Committee of the whole authorizes the Administration to process the necessary appropriations and transfers to the appropriate salary and fringe benefit accounts to fund this agreement.

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By Councilmember Beal

Carried unanimously

RESOLUTION #081
By the Committee on Development and Planning

ACT-27-95,
Storm Drainage Easement Relocation,
1700 Block of West Holmes Road

WHEREAS, Wolverine Engineers and Surveyors, Inc., representing the Eyde Co., property owner, has requested the City vacate a portion of the Johnson Drain Easement in order to provide proper drainage improvements for light industrial lots presently under development;

WHEREAS, the applicant has designed a storm water drainage retention system that will require relocation of a portion of the Johnson Drain Easement with reconstruction of all necessary drainage improvements;

WHEREAS, the property is in a very flat and low lying area situated behind the developed frontages of M. L. King Blvd and Holmes Road. The Johnson Drain transverses the northern corner of the subject property from southwest to northeast. The drain is an open channel approximately six feet deep and 60-70 feet wide, contained within a 100 foot wide easement;

WHEREAS, The applicant has designed a proposal to relocate the portion of the drain that transverses the site. This relocation will permit the applicant to construct a basin for detention of storm water run-off generated from development of the adjacent property;

WHEREAS, at the meeting of the Planning Board's Urban Development Committee held November 15, 1995, and at the Planning Board's regular business meeting held November 21, 1995, no one spoke in opposition to this matter;

WHEREAS, the Planning Board, at its meeting of November 21, 1995, unanimously (7-0) recommended approval of the request to vacate a portion of the Johnson Drain easement with the following conditions:

1. That all engineering and construction of the affected portions of the drain be approved by the City's Public Service Department and County Drain Commissioner, as appropriate;

2. The new easements, to both the City and County, as appropriate, need to be in place along with other necessary drain improvements prior to release of current drain easement.

3. That all other state, county and city regulations be complied with, including wetlands permits from the State of Michigan, and Site Plan and/or Subdivision review by the City.

4. That any contaminated soil be disposed of legally.

5. That this work have no impact on the adjacent Board of Water & Light sludge line.

6. That the developer bear all costs associated with engineering, construction, and recording of instruments associated with this project;

WHEREAS, the Physical Development Committee of City Council has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council approves the request to vacate a portion of the Johnson Drain Easement with the above noted conditions.

By Councilmember Lilly

Carried unanimously

RESOLUTION #082
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing and Ingham County have long been interested in providing one facility for the County Courts which are located in the City of Lansing; and

WHEREAS, on numerous occasions, discussions have taken place between the City and the County to address this situation; and

WHEREAS, the consolidation of the Circuit Courts into one facility would be advantageous to the continued revitalization of downtown Lansing; and

WHEREAS, the Development and Planning Committee met with representatives of the County and local developers to discuss a format for proceeding with the construction of a consolidated courts facility;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council requests that the Mayor appoint a three member committee to meet with County representatives to determine whether an equitable funding formula between the City and

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THE COUNTY FOR A CONSOLIDATED FACILITY CAN BE AGREED UPON; AND

BE IT FURTHER RESOLVED THAT THE LANSING CITY COUNCIL INVITES INTERESTED DEVELOPERS TO SUBMIT WITHIN 90 DAYS FROM THE PASSAGE OF THIS RESOLUTION, PROPOSALS THAT ARE CONSISTENT WITH THE COUNTY'S PROPOSAL TO EXPAND THE GRADY J. PORTER BUILDING.

BY COUNCILMEMBER LILLY

TO AMEND THE RESOLUTION IN THE FIFTH PARAGRAPH TO READ AS FOLLOWS:

"NOW, THEREFORE BE IT RESOLVED THAT THE LANSING CITY COUNCIL REQUESTS THAT THE MAYOR AND CITY COUNCIL PRESIDENT JOINTLY APPOINT A ~~THREE MEMBER~~ COMMITTEE TO MEET WITH COUNTY REPRESENTATIVES TO DETERMINE WHETHER AN EQUITABLE FUNDING FORMULA BETWEEN THE CITY AND THE COUNTY FOR A CONSOLIDATED FACILITY CAN BE AGREED UPON; AND"

CARRIED UNANIMOUSLY

RESOLUTION #083
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF LANSING

WHEREAS, COUNCIL RESOLUTION #247 OF MAY 16, 1994, STATES HOW REVENUES FROM POTTER PARK PARKING ARE TO BE HANDLED; AND

WHEREAS, THE PARK BOARD REVIEWED AND APPROVED THE FOLLOWING CHANGES IN THE FY 95-96 POTTER PARK ZOO PROJECTS AT THEIR JANUARY 17, 1996, MEETING; AND

WHEREAS, THE MAYOR HAS CONCURRED AND REFERRED THESE PROJECT PRIORITY CHANGES FOR APPROVAL;

NOW, THEREFORE, BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY APPROVES THE FOLLOWING POTTER PARK ZOO PROJECTS (REVENUE GENERATED FROM VEHICLE ENTRANCE FEE) FROM EXPENDITURE ACCOUNT 509-783835-970000-0. (THIS IS IN A CHANGE IN THE LIST PREVIOUSLY APPROVED BY CITY COUNCIL RESOLUTION 611 OF OCTOBER 17, 1994 AND RESOLUTION #749 OF DECEMBER 11, 1995.)

<u>RHINO EXHIBIT</u>	
PROJECT POSTPONED FROM FY 95-96	$10,065
<u>KANGAROO BARN</u>	
PROJECT ADDED TO FY 95-96	$ 9,500
<u>BIRD HOUSE SCREEN DOORS</u>	
ADDED TO FY 95-96	$ 2,000

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #084
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFER BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$40,000	SR. PROGRAM ACTIVITIES (HSA) 101-833715-960207-0	HUMAN SERVICE AGENCY-CONTROL 101-833701-992200-0
$40,000	HUMAN SERVICE AGENCY-CONTROL 101-833701-992200-0	
$10,000		COMMUNITY SUP. AGENCY-CONTROL 101-834101-992200-0
$30,000		PARKS AND RECREATION-CONTROL 101-783860-992200-0
$10,000	COMMUNITY SUPPORTED AGENCY-CONTROL 101-834101-992200-0	TRI-CO. AGING CONSORTIUM 101-834101-960056-0
$30,000	PARKS AND RECREATION-CONTROL 101-783860-992200-0	SPECIAL RECREATION-SPECIAL PROGRAMS 101-783833-741850-0
$10,000	ACTIVE SENIOR PROGRAM (CSA) 101-834101-960139-0	TRI-CO. AGING CONSORTIUM 101-834101-960056-0

(APPROPRIATION OF ONE TIME FUNDING FROM YEAR END SURPLUS, AND FUNDING FOR COOPERATIVE ACTIVE SR. PROGRAM TO BE USED FOR EMERGENCY SENIOR SERVICES ($5,000), AND EXERCISE LEADER TRAINING FOR PHYSICAL ACTIVITY PROGRAM FOR 55+ ADULTS THROUGH TRI-CO. AGING ($15,000), AND FOR "SENIOR CHALLENGE" PROGRAM THROUGH LANSING PARKS AND RECREATION DEPARTMENT. ($30,000)

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #085
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING AND THE LANSING HISTORIC DISTRICT COMMISSION ARE NAMED AS DEFENDANTS IN THE LAWSUIT ENTITLED <u>PATRIK CORP</u> V <u>CITY OF LANSING</u>, ET AL, INGHAM COUNTY CIRCUIT COURT FILE NO. 94-79360-CZ , INVOLVING A CLAIM FOR DAMAGES ARISING FROM THE CITY'S DELAY IN

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ISSUING A DEMOLITION PERMIT; AND

WHEREAS, IT IS PROPOSED THAT SAID LAWSUIT BE RESOLVED BY VIRTUE OF ENTERING INTO A SETTLEMENT AGREEMENT IN WHICH THE CITY WOULD AGREE TO PAY THE SUM OF $2,700.00 IN EXCHANGE FOR DISMISSAL OF THE LAWSUIT WITH PREJUDICE; AND FURTHER PROVIDING THAT NO JUDGMENT FOR DAMAGES WOULD ENTER AGAINST THE DEFENDANTS; AND

WHEREAS, THE PROPOSED SETTLEMENT IS RECOMMENDED BY THE CITY ATTORNEY;

NOW, THEREFORE, BE IT RESOLVED THAT LANSING CITY COUNCIL HEREBY APPROVES PAYMENT OF $2,700-00 AS A FULL AND FINAL SETTLEMENT OF SAID LAWSUIT.

BE IT FURTHER RESOLVED THAT THE FUNDS TO PAY SAID SETTLEMENT SHALL BE IDENTIFIED BY THE PLANNING DIVISION FROM ITS EXISTING ACCOUNTS AND BE PAID THEREFROM.

BE IT FINALLY RESOLVED THAT THE LAW DEPARTMENT IS AUTHORIZED TO PREPARE AND EXECUTE THE REQUISITE DOCUMENTS TO COMPLETE SETTLEMENT OF THE AFOREMENTIONED LAWSUIT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #086
BY THE COMMITTEES ON WAYS & MEANS
AND PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING (CITY) AND THE INGHAM COUNTY DRAIN COMMISSIONER ON BEHALF OF THE TOLLGATE DRAINAGE DISTRICT HAVE REACHED A TENTATIVE AGREEMENT ON PLANS FOR FLOOD WATER CONTROL AND GOLF COURSE IMPROVEMENTS INVOLVING FAIRVIEW PARK AND GROESBECK MUNICIPAL GOLF COURSE RESPECTIVELY; AND

WHEREAS, THE STATE OF MICHIGAN HAS CONVEYED BY DEED TO THE CITY OF LANSING THE LAND KNOWN AS FAIRVIEW PARK WITH THE UNDERSTANDING THAT A PORTION THEREOF WILL BE RECONVEYED TO THE INGHAM COUNTY DRAIN COMMISSIONER FOR AND ON BEHALF OF THE TOLLGATE DRAIN DRAINAGE DISTRICT FOR THE CONSTRUCTION OF A STORM WATER SAFETY RETENTION BASIN; AND

WHEREAS, THE CITY DESIRES TO MAKE CERTAIN DRAINAGE IMPROVEMENTS TO GROESBECK MUNICIPAL GOLF COURSE WHICH IF DONE IN CONJUNCTION WITH IMPROVEMENTS TO THE TOLLGATE DRAIN, WILL BE LESS COSTLY TO THE CITY AND WILL ENHANCE THE DRAINAGE AND PLAYABILITY OF GROESBECK MUNICIPAL GOLF COURSE; AND

WHEREAS, THE CITY AND THE INGHAM COUNTY DRAIN COMMISSIONER HAVE TENTATIVELY REACHED AN AGREEMENT (REFERRED TO AS THE "SECTION 471 AGREEMENT"), SUBJECT TO COUNCIL AND DRAINAGE BOARD APPROVAL, OF THE FINANCING OF SUCH IMPROVEMENTS AND THE EQUITABLE ALLOCATION OF THE COST ASSOCIATED THEREWITH; AND

WHEREAS, THE CITY NEEDS TO PROCEED TO PREPARE A BONDING PACKAGE IN ORDER TO PROVIDE FOR ITS SHARE OF THE CONSTRUCTION AND RELATED COSTS OF SAID IMPROVEMENTS AT GROESBECK MUNICIPAL GOLF COURSE; AND

WHEREAS, THE CITY ADMINISTRATION HAS REVIEWED AND RECOMMENDS APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE STORM WATER SAFETY RETENTION BASIN TO BE CONSTRUCTED IN FAIRVIEW PARK;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

(A) THE CITY HEREBY APPROVES THE PLAN, AS PREPARED BY FISHBECK, THOMPSON, CARR & HUBER, FOR STORAGE OF STORM WATER ON THE PARCEL DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE SUBJECT TO THE FURTHER APPROVAL OF SAID PLAN BY THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND THE CHARTER TOWNSHIP OF LANSING.

(B) THAT THE MAYOR AND CITY CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE DEED CONVEYING A PORTION OF FAIRVIEW PARK TO THE TOLLGATE DRAIN DRAINAGE DISTRICT SUBJECT TO THE CONDITIONS CONTAINED THEREIN (EXHIBIT B);

(C) THAT THE CITY OF LANSING HEREBY APPROVES CONCEPTUALLY THE REVISED DESIGN OF GROESBECK MUNICIPAL GOLF COURSE (THE MATTHEWS & ASSOCIATES, P.C. DESIGN) (EXHIBIT C) AS FURTHER AMENDED BY THE DESIGN MODIFICATIONS PREPARED BY TERRA-LINK, INC. (PRESENTED TO WAYS AND MEANS COMMITTEE ON FEBRUARY 14, 1996);

(D) THAT THE FINAL PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS TO BE CONSTRUCTED ON GROESBECK MUNICIPAL GOLF COURSE OVER, UPON AND WITHIN THE FLOODING EASEMENT AND RIGHT OF WAY SHALL BE ADMINISTRATIVELY APPROVED BY THE DEPARTMENT OF PARKS & RECREATION IN CONSULTATION WITH THE PUBLIC SERVICE DEPARTMENT; .,

(E) THAT THE MAYOR AND CITY CLERK ARE AUTHORIZED TO EXECUTE THE "SECTION 471 AGREEMENT" PROVIDING FOR THE FINANCING OF THE CITY'S SHARE OF THE PHASE ONE IMPROVEMENTS AT GROESBECK MUNICIPAL GOLF COURSE, AND THE ALLOCATION OF COSTS ASSOCIATED THEREWITH, INCLUDING LIQUIDATED DAMAGES;

(F) THAT THE MAYOR AND CITY CLERK ARE HEREBY

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AUTHORIZED TO EXECUTE THE "CITY OF LANSING FLOODING EASEMENT AND RIGHT OF WAY TO TOLLGATE DRAIN DRAINAGE DISTRICT";

(G) THAT THE ADMINISTRATION IS HEREBY AUTHORIZED TO PROCEED TO PREPARE A BONDING PACKAGE TO PAY FOR THE CITY'S SHARE OF THE PHASE ONE GOLF COURSE IMPROVEMENTS.

SECTION 471 AGREEMENT

THIS AGREEMENT MADE BY AND BETWEEN THE DRAINAGE BOARD FOR THE TOLLGATE DRAIN, INGHAM COUNTY, MICHIGAN, 707 BUHL, MASON, MICHIGAN 48854 (HEREINAFTER "BOARD") AND THE CITY OF LANSING, INGHAM COUNTY, MICHIGAN (HEREINAFTER "CITY") AS FOLLOWS:

WHEREAS, THE CITY AND THE CHARTER TOWNSHIP OF LANSING IN INGHAM COUNTY, MICHIGAN, HAVE PETITIONED THE BOARD FOR IMPROVEMENTS TO THE TOLLGATE DRAIN LOCATED WITHIN THE CORPORATE BOUNDARIES OF THE CITY AND THE TOWNSHIP; AND

WHEREAS, THE DRAIN CODE (1956 PA 40, AS AMENDED), IN PARTICULAR SECTION 471 (MCL 280) AUTHORIZES AGREEMENTS BETWEEN MUNICIPALITIES WITHIN DRAINAGE DISTRICTS AND THE BOARD WITH RESPECT TO PRELIMINARY ENGINEERING AND THE ALLOCATION OF CERTAIN COSTS OF DRAIN IMPROVEMENTS; AND

WHEREAS, A PORTION OF THE TOLLGATE DRAIN CONSIST OF LANDS OCCUPIED BY THE GROESBECK GOLF COURSE WHICH IT IS TO BE UTILIZED BY THE BOARD FOR WATER STORAGE IN CONNECTION WITH THE IMPROVEMENTS OF THE DRAIN WHICH STORAGE FUNCTION WILL REQUIRE SIGNIFICANT REDESIGN AND IMPROVEMENT OF THE GOLF COURSE TO ACCOMMODATE THE DRAINAGE FUNCTION; AND

WHEREAS, IT IS NECESSARY THAT A CONTRACTOR FOR DESIGN SERVICES WITH RESPECT TO THE GOLF COURSE REDESIGN BE RETAINED AND A CONTRACT FOR ENGINEERING AND OTHER DESIGN SERVICES WITH RESPECT THERETO BE APPROVED WITH THE COST THEREOF TO BE ALLOCATED BETWEEN THE PARTIES; AND

WHEREAS, THE BOARD HAS HERETOFORE ENTERED INTO A CONTRACT FOR ENGINEERING SERVICES WITH FISHBECK, THOMPSON, CARR & HUBER OF LANSING AND ADA, MICHIGAN WITH RESPECT TO THE DESIGN OF DRAINAGE IMPROVEMENTS.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1. THAT THE BOARD IS AUTHORIZED TO ENTER INTO A CONTRACT FOR GOLF COURSE DESIGN SERVICES WITH RESPECT TO THE GROESBECK GOLF COURSE AS A SUBCONTRACT TO THE ENGINEERING CONTRACT WITH FISHBECK, THOMPSON, CARR & HUBER FOR IMPROVEMENT OF THE TOLLGATE DRAIN.
2. THE GOLF COURSE DESIGN SUBCONTRACTORS SHALL BE APPROVED BY THE DIRECTOR OF THE CITY'S PARKS DEPARTMENT WHO SHALL HAVE THE RIGHT TO REVIEW AND APPROVE THE PLANS DRAWN BY THE GOLF COURSE DESIGNERS IN CONSULTATION WITH THE CITY'S PUBLIC SERVICE DEPARTMENT, BEGINNING WITH THE CONCEPTUAL PHASE OF DESIGN THROUGH THE ACTUAL CONSTRUCTION DRAWINGS AS THE DRAWINGS ARE PRODUCED. IN THIS REGARD, IT IS RECITED THAT FISHBECK, THOMPSON, CARR & HUBER HAS ESTIMATED THAT APPROXIMATELY 40 PLAN SHEETS WILL BE REQUIRED IN CONNECTION WITH THE RECONSTRUCTION OF THE GROESBECK GOLF COURSE AS A RESULT OF THE DRAINAGE IMPROVEMENTS.
3. THE PRELIMINARY COST ESTIMATE FOR THE GOLF COURSE IMPROVEMENTS AS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT A IS APPROVED SUBJECT TO DETERMINATION OF ACTUAL COST BASED UPON CONSTRUCTION BIDS.
4. THE PARTIES AGREE THAT AS LIQUIDATED DAMAGES FOR ANTICIPATED LOSS OF REVENUE OCCURRING BY VIRTUE OF THE CLOSURE OF THE COURSE FOR ONE FULL SEASON, THE BOARD SHALL PAY THE CITY THE SUM OF ONE HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED DOLLARS ($162,500).
5. THE CITY AGREES TO BID THE PHASE ONE GOLF COURSE IMPROVEMENTS, SIMULTANEOUSLY WITH THE DRAINAGE IMPROVEMENTS,, SO THAT A PROPER ALLOCATION OF COSTS OF THE DRAIN AND GOLF COURSE IMPROVEMENTS ALLOCABLE TO THE DRAINAGE PROJECT CAN BE MADE TO THE EXTENT GOLF COURSE IMPROVEMENTS ARE DICTATED BY THE DRAINAGE PLAN.
6. THE CITY AGREES TO PAY TO THE BOARD THE COST OF GOLF COURSE REDESIGN NOT ALLOCABLE TO THE DRAINAGE PROJECT. FOR PURPOSES OF ALLOCATION OF COST, THE SAME SHALL BE MADE BY FISHBECK, THOMPSON, CARR & HUBER AND SHOULD BE SUBJECT TO THE APPROVAL OF THE CITY AND THE BOARD. IN THE ABSENCE OF AGREEMENT, THE ALLOCATION SHALL BE SUBJECT TO ARBITRATION. HOWEVER UNDER NO CIRCUMSTANCES SHALL THE CITY'S SHARE EXCEED $150,000.
7. THE PARTIES AGREE, HOWEVER, THAT SHOULD THE CONSTRUCTION AND CONSTRUCTION PHASE ENGINEERING BIDS COME IN TOO HIGH RESULTING IN THE CITY'S SHARE OF THE ALLOCABLE COSTS EXCEEDING $1,000,000, THE CITY SHALL BE PERMITTED TO WITHDRAW FROM THIS PROJECT.

IN WITNESS WHEREOF THE PARTIES HAVE SET THEIR HANDS AND SEAL THIS_____ DAY OF_____, 1996.

WITNESSES:

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CITY OF LANSING
BY:_____
MAYOR HOLLISTER

BY:_____
MARILYNN SLADE, CITY CLERK

WITNESS: TOLLGATE DRAIN DRAINAGE DISTRICT

BY:_____
PATRICK LINDEMANN,
INGHAM COUNTY
DRAIN COMMISSIONER

BY COUNCILMEMBER BEAL

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

BY COUNCILMEMBER LILLY

TO AMEND THE RESOLUTION IN SUBPARAGRAPH (C) TO DELETE THE REFERENCE TO (EXHIBIT C), AND IN SUBPARAGRAPH (D) TO STATE "THAT THE LANSING CITY COUNCIL SHALL HAVE FINAL APPROVAL OF THE FINAL PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS TO BE CONSTRUCTED ON GROESBECK MUNICIPAL GOLF COURSE OVER, UPON AND WITHIN THE FLOODING EASEMENT AND RIGHT OF WAY ~~SHALL BE~~ FOLLOWING ADMINISTRATIVELY REVIEW AND APPROVAL~~ED~~ BY THE DEPARTMENT OF PARKS & RECREATION IN CONSULTATION WITH THE PUBLIC SERVICE DEPARTMENT;

CARRIED UNANIMOUSLY

COUNCILMEMBER BEAL'S MOTION FOR AFFIRMATIVE ROLL WAS

CARRIED UNANIMOUSLY

COUNCILMEMBER LILLY REQUESTED THAT THE ADMINISTRATION EXPLORE THE POSSIBILITY OF A LARGER BONDING PACKAGE TO INCLUDE BONDING FOR IMPROVEMENTS TO THE WAVERLY AND RED CEDAR GOLF COURSES IN THE SAME PACKAGE.

RESOLUTION #087
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, FRIENDS OF PEOPLE WITH CEREBRAL PALSY CORPORATION HAS REQUESTED A RESOLUTION OF RECOGNITION AS A NON-PROFIT ORGANIZATION OPERATING IN THE LANSING COMMUNITY FOR THE PURPOSE OF OBTAINING A GAMING LICENSE; AND

WHEREAS, THE CITY ATTORNEY HAS REPORTED THAT, BASED ON A REVIEW OF THE DOCUMENTATION SUBMITTED, THE APPLICANT QUALIFIES AS A NON-PROFIT ORGANIZATION;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY RECOGNIZES FRIENDS OF PEOPLE WITH CEREBRAL PALSY CORPORATION AS A NONPROFIT ORGANIZATION OPERATING IN THE LANSING COMMUNITY.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #088
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, UAW LOCAL 652 WILL CELEBRATE BLACK HISTORY MONTH FOR THE FIRST TIME ON SUNDAY, FEBRUARY 25, 1996, WITH A PROGRAM ENTITLED 'REALIZING A DREAM" AT THE UNION HALL; AND

WHEREAS, THE EVENING'S ACTIVITIES WILL INCLUDE A CULTURAL DINNER DESCRIBED AS 'GUARANTEED TO MAKE YOUR MOUTH WATER'; AND

WHEREAS, THE LOCAL'S CIVIL RIGHTS COMMITTEE HOPES THE CELEBRATION WILL BE AN ANNUAL EVENT FOR THE COMMUNITY, IN RECOGNITION OF THE ACHIEVEMENTS AND CONTRIBUTIONS MADE BY BLACK AMERICANS;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY COMMENDS THE LEADERS OF UAW LOCAL 652 FOR THEIR EFFORTS TO PROVIDE A NEW OPPORTUNITY FOR THE PEOPLE OF THE CAPITAL CITY TO RECOGNIZE AND CELEBRATE BLACK HISTORY MONTH.

BY COUNCILMEMBER BENAVIDES

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER LILLY ABSENT)

PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER LILLY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF

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Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Chapter, Chapter 1462, for the purpose of Providing for Neighborhood Enterprise Zones; to Establish Minimum Construction and Safety Code Standards for Facilities in Neighborhood Enterprise Zones to be met prior to Their Sale; and to Provide for the Inspections and Issuance of Certificates to Establish Compliance with the Standards in Accordance with 1992 PA 147, As Amended, and to Provide for Inspections Fees, to the Code of Ordinances, City of Lansing, be placed on order of immediate passage

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Lilly

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Chapter, Chapter 1462, for the purpose of Providing for Neighborhood Enterprise Zones; to Establish Minimum Construction and Safety Code Standards for Facilities in Neighborhood Enterprise Zones to be met prior to Their Sale; and to Provide for the Inspections and Issuance of Certificates to Establish Compliance with the Standards in Accordance with 1992 PA 147, As Amended, and to Provide for Inspections Fees, to the Code of Ordinances, City of Lansing, be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ORDINANCE NO. 0928

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO ADD A NEW CHAPTER 1462 FOR THE PURPOSE OF PROVIDING FOR NEIGHBORHOOD ENTERPRISE ZONES; TO ESTABLISH MINIMUM CONSTRUCTION AND SAFETY CODE STANDARDS FOR FACILITIES IN NEIGHBORHOOD ENTERPRISE ZONES TO BE MET PRIOR TO THEIR SALE; AND TO PROVIDE FOR THE INSPECTIONS AND ISSUANCE OF CERTIFICATES TO ESTABLISH COMPLIANCE WITH THE STANDARDS IN ACCORDANCE WITH 1992 PA 147, AS AMENDED, AND TO PROVIDE FOR INSPECTIONS FEES."

The City of Lansing ordains:

Section 1. That a new Chapter 1462 be added to the Code of Ordinances of the City of Lansing, Michigan, to be read as follows:

1462.01 PURPOSE.

THE PURPOSE OF THIS CHAPTER IS TO PRESERVE LANSING NEIGHBORHOODS AND TO FURTHER THE MAINTENANCE, PRESERVATION, IMPROVEMENT AND DEVELOPMENT OF HOUSING FOR ALL PERSONS REGARDLESS OF INCOME LEVEL; TO PROVIDE THAT THE CITY OF LANSING BY RESOLUTION MAY DESIGNATE ONE OR MORE NEIGHBORHOOD ENTERPRISE ZONES PURSUANT TO THE MICHIGAN NEIGHBORHOOD ENTERPRISE ZONE ACT, BEING 1992 PA 147, AS AMENDED; MCL 207.771 ET SEQ; AND TO ENCOURAGE, THROUGH AD VALOREM PROPERTY TAX BENEFITS ESTABLISHED BY SAID PUBLIC ACT, THE CONSTRUCTION OF NEW STRUCTURES THAT HAVE AS THEIR PRIMARY PURPOSE OWNER OCCUPIED ONE OR TWO UNIT RESIDENTIAL HOUSING AND THE REHABILITATION OF EXISTING STRUCTURES HAVING AS THEIR PRIMARY PURPOSE RESIDENTIAL HOUSING CONSISTING OF ONE TO EIGHT UNITS, BY BRINGING THEM INTO CONFORMANCE WITH MINIMUM BUILDING AND HOUSING CODE STANDARDS AND IMPROVING THE LIVABILITY OF UNITS.

1462.02 DEFINITIONS.

As used in this Chapter:

(A) "NEIGHBORHOOD ENTERPRISE ZONE" MEANS ANY ZONE DESIGNATED BY THE CITY OF LANSING BY RESOLUTION AS A NEIGHBORHOOD ENTERPRISE ZONE PURSUANT TO THE REQUIREMENTS OF THE MICHIGAN NEIGHBORHOOD ENTERPRISE ZONE ACT.
(B) "NEIGHBORHOOD ENTERPRISE ZONE ACT" MEANS PUBLIC ACT 147 OF 1992, AS AMENDED; MCL 207.771, ET SEQ.
(C) "NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE" MEANS A CERTIFICATE AS DEFINED AND ISSUED PURSUANT TO THE NEIGHBORHOOD ENTERPRISE ZONE ACT.
(D) "CERTIFICATE OF APPROVAL" MEANS A CERTIFICATE ISSUED BY THE CODE COMPLIANCE MANAGER, OR HIS/HER DESIGNEE, OF THE CODE COMPLIANCE DIVISION OF THE DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT OF THE CITY OF LANSING, ATTESTING TO THE FACT THAT A NEW OR REHABILITATED FACILITY FOR WHICH AN ENTERPRISE ZONE CERTIFICATE IS IN EFFECT IS IN COMPLIANCE WITH THE CONSTRUCTION AND SAFETY CODES OF THE CITY OF LANSING.
(E) "NEW FACILITY" MEANS A NEW STRUCTURE THAT HAS AS ITS PRIMARY PURPOSE RESIDENTIAL HOUSING CONSISTING OF 1 OR 2 UNITS, 1 OF WHICH IS OR WILL BE OCCUPIED BY AN OWNER AS HIS OR HER PRINCIPAL RESIDENCE. NEW FACILITY INCLUDES A NEW INDIVIDUAL CONDOMINIUM UNIT, IN A STRUCTURE WITH 1 OR MORE CONDOMINIUM UNITS, THAT HAS AS ITS PRIMARY PURPOSE RESIDENTIAL HOUSING AND THAT IS OR WILL BE OCCUPIED BY AN OWNER AS HIS OR HER PRINCIPAL RESIDENCE. NEW FACILITY DOES NOT INCLUDE APARTMENTS.
(F) "OWNER" MEANS THE RECORD TITLE HOLDER OF, OR THE VENDEE OF THE ORIGINAL LAND

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CONTRACT PERTAINING TO, A NEW FACILITY OR A REHABILITATED FACILITY FOR WHICH A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE IS APPLIED FOR OR ISSUED.

(G) "REHABILITATED FACILITY" MEANS AN EXISTING STRUCTURE WITH A CURRENT TRUE CASH VALUE OF $60,000.00 OR LESS PER UNIT THAT HAS OR WILL HAVE AS ITS PRIMARY PURPOSE RESIDENTIAL HOUSING CONSISTING OF 1 TO 8 UNITS, THE OWNER OF WHICH PROPOSES IMPROVEMENTS THAT IF DONE BY A LICENSED CONTRACTOR WOULD COST IN EXCESS OF $5,000.00 PER OWNER OCCUPIED UNIT OR 50% OF THE TRUE CASH VALUE, WHICHEVER IS LESS, OR IN EXCESS OF $7,500.00 PER NONOWNER-OCCUPIED UNIT OR 50% OF THE TRUE CASH VALUE, WHICHEVER IS LESS, AND WILL BRING THE STRUCTURE INTO CONFORMANCE WITH MINIMUM LANSING HOUSING CODE STANDARDS FOR OCCUPANCY OR IMPROVE THE LIVABILITY OF THE UNITS WHILE MEETING MINIMUM LANSING HOUSING CODE STANDARDS. REHABILITATED FACILITY ALSO INCLUDES AN INDIVIDUAL CONDOMINIUM UNIT, IN A STRUCTURE WITH 1 OR MORE CONDOMINIUM UNITS THAT HAS AS ITS PRIMARY PURPOSE RESIDENTIAL HOUSING, THE OWNER OF WHICH PROPOSES THE ABOVE DESCRIBED IMPROVEMENTS. REHABILITATED FACILITY DOES NOT INCLUDE A FACILITY REHABILITATED WITH THE PROCEEDS OF AN INSURANCE POLICY FOR PROPERTY OR CASUALTY LOSS.

1462.03 NEIGHBORHOOD ENTERPRISE ZONE; DESIGNATION.

THE CITY BY CITY COUNCIL RESOLUTION, MAY UPON CITY INITIATIVE OR ON PETITION OF ANY PERSON:

(A) DESIGNATE ONE (1) OR MORE NEIGHBORHOOD ENTERPRISE ZONES WITHIN THAT LOCAL GOVERNMENTAL UNIT. A NEIGHBORHOOD ENTERPRISE ZONE, OTHER THAN A NEIGHBORHOOD ENTERPRISE ZONE DESIGNATED PURSUANT TO SUBSECTION (B), SHALL CONTAIN NOT LESS THAN TEN (10) PLATTED PARCELS OF LAND. ALL THE LAND WITHIN A NEIGHBORHOOD ENTERPRISE ZONE SHALL ALSO BE COMPACT AND CONTIGUOUS.

(B) DESIGNATE ONE (1) OR MORE NEIGHBORHOOD ENTERPRISE ZONES LIMITED TO NEW FACILITIES IF EACH NEW FACILITY IN THE ZONE IS PART OF A DEVELOPMENT OF TEN (10) OR MORE UNITS. THE TOTAL ACREAGE OF THE NEIGHBORHOOD ENTERPRISE ZONES DESIGNATED UNDER THIS SECTION SHALL NOT EXCEED ONE PERCENT (1%) OF THE TOTAL ACREAGE CONTAINED WITHIN THE BOUNDARIES OF THE LOCAL GOVERNMENTAL UNIT.

1462.04 APPLICATION FOR NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE. ONCE A NEIGHBORHOOD ENTERPRISE ZONE IS ESTABLISHED IN THE MANNER PROVIDED IN SECTION 1460.03 AND THE NEIGHBORHOOD ENTERPRISE ZONE ACT, ANY PERSON WHO PROPOSES TO CONSTRUCT A NEW FACILITY OR TO REHABILITATE PROPERTY LOCATED IN A NEIGHBORHOOD ENTERPRISE ZONE, AND WHO INTENDS TO SEEK THE TAX BENEFITS PROVIDED IN THE NEIGHBORHOOD ENTERPRISE ZONE ACT, MAY FILE AN APPLICATION FOR A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE WITH THE CITY CLERK. THE APPLICATION MUST BE FILED BEFORE A BUILDING PERMIT IS ISSUED FOR THE WORK PROPOSED AND SHALL BE FILED IN THE FORM AND MANNER PRESCRIBED FOR IN SAID ACT. THE CERTIFICATE APPLICATION SHALL BE SUBJECT TO THE REQUIREMENTS, APPROVALS AND CONDITIONS OF THE NEIGHBORHOOD ENTERPRISE ZONE ACT.

1462.05 NEIGHBORHOOD ENTERPRISE ZONE INSPECTION.

(A) BEFORE THE SALE OF A NEW FACILITY OR A REHABILITATED FACILITY FOR WHICH A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE IS IN EFFECT, AN INSPECTION BY THE CITY OF LANSING SHALL BE REQUESTED AND MADE TO DETERMINE COMPLIANCE WITH ALL APPLICABLE LANSING CONSTRUCTION AND SAFETY CODES.

(B) NO SALE OF ANY NEW OR REHABILITATED FACILITY FOR WHICH A NEIGHBORHOOD ENTERPRISE ZONE CERTIFICATE IS IN EFFECT MAY BE FINALIZED UNTIL THERE IS COMPLIANCE WITH THE APPLICABLE LANSING CONSTRUCTION AND SAFETY CODES AND A CERTIFICATE OF APPROVAL ATTESTING TO THE FACT IS ISSUED BY THE MANAGER OF CODE COMPLIANCE OR HIS/HER DESIGNEE.

1462.06 ISSUANCE OF A CERTIFICATE OF APPROVAL.

(A) THE CERTIFICATE OF APPROVAL SHALL ONLY BE ISSUED AFTER THE NEW OR REHABILITATED FACILITY HAS BEEN INSPECTED AND MEETS THE REQUIREMENTS OF ALL THE APPLICABLE LANSING CONSTRUCTION AND SAFETY CODES. AN INSPECTION REPORT SHALL BE COMPLETED BY THE INSPECTOR AFTER THE INSPECTION IS COMPLETED. THE REPORT SHALL NOTE ALL VIOLATIONS FOUND IN THE FACILITY. BEFORE A CERTIFICATE OF APPROVAL IS ISSUED, ALL VIOLATIONS MUST BE CORRECTED AND APPROVED AND REQUIRED INSPECTION FEE PAID.

(B) AFTER ISSUANCE, A CERTIFICATE OF APPROVAL SHALL ONLY BE VALID FOR ONE SALE OF A NEW OR REHABILITATED FACILITY. A NEW INSPECTION AND CERTIFICATE OF APPROVAL SHALL BE REQUIRED EACH TIME A NEW OR REHABILITATED FACILITY IS SOLD.

1462.07 INSPECTION FEE.

THE CITY SHALL CHARGE A NON-REFUNDABLE

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INSPECTION FEE WHICH SHALL BE SET BY CITY COUNCIL RESOLUTION AND PAID IN ADVANCE OF THE CERTIFICATE OF APPROVAL INSPECTION.

1462.08 FINAL DATE FOR APPLICATION.

A NEW NEIGHBORHOOD ENTERPRISE ZONE APPLICATION SHALL NOT BE ACCEPTED BY THE CITY CLERK AFTER DECEMBER 31, 2002 UNLESS THE NEIGHBORHOOD ENTERPRISE ZONE ACT CERTIFICATE ISSUANCE ENDING DATE SHALL BE EXTENDED PURSUANT TO SAID ACT.

SECTION 2. THE ADOPTION OF THIS ORDINANCE SHALL NOT BE CONSTRUED SO AS TO GIVE ORDINANCE STATUS TO ANY RESOLUTION OR OTHER ACTION OF CITY COUNCIL TO BE INCLUDED IN THE CODIFIED ORDINANCES OF THE CITY UNLESS SUCH ACTION WAS ORIGINALLY ADOPTED AS AN ORDINANCE.

SECTION 3. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL:

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 202 TO ADD A NEW SECTION, SECTION 202.03(12.5) AND AMENDING SECTION 202.99 OF THE CODE OF ORDINANCES, CITY OF LANSING, PROVIDING FOR THE ADDITION OF A DEFINITION OF MUNICIPAL CIVIL INFRACTIONS, AND AMENDING GENERAL CODE PENALTIES, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 202 TO ADD A NEW SECTION, SECTION 202.03(12.5) AND AMENDING SECTION 202.99 OF THE CODE OF ORDINANCES, CITY OF LANSING, PROVIDING FOR THE ADDITION OF A DEFINITION OF MUNICIPAL CIVIL INFRACTIONS, AND AMENDING GENERAL CODE PENALTIES, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ORDINANCE NO. 0929

AN ORDINANCE TO AMEND CHAPTER 202 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN BY ADDING A SUBSECTION 202.03(12.5) AND BY AMENDING SECTION 202.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 202 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY THE ADDITION OF A NEW DEFINITION SUBSECTION 202.03(12.5), TO BE PLACED IMMEDIATELY AFTER THE EXISTING SUBSECTION 202.03(12) DEFINITION OF "MAYOR", TO READ IN ITS ENTIRETY AS FOLLOWS:

(12.5) MUNICIPAL CIVIL INFRACTION. THE WORDS "MUNICIPAL CIVIL INFRACTION" MEAN AN ACT OR OMISSION THAT IS PROHIBITED BY THIS CODE OR ANY ORDINANCE OF THE CITY, BUT WHICH IS NOT A CRIME UNDER THIS CODE OR OTHER ORDINANCE, AND FOR WHICH CIVIL SANCTIONS, INCLUDING, WITHOUT LIMITATION, FINES, DAMAGES, EXPENSES AND COSTS MAY BE ORDERED, AS AUTHORIZED BY CHAPTER 87 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, AS AMENDED. A MUNICIPAL CIVIL INFRACTION IS NOT A LESSER INCLUDED OFFENSE OF A VIOLATION OF THIS CODE THAT IS A CRIMINAL OFFENSE.

SECTION 2. THAT SECTION 202.99 OF THE CODE BE AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

SEC. 202.99 GENERAL CODE PENALTIES; INJUNCTIVE RELIEF; COMPLICITY.

(A) UNLESS A VIOLATION OF THIS CODE OR ANY ORDINANCE OF THE CITY IS SPECIFICALLY DESIGNATED IN THE CODE OR ORDINANCE AS A MUNICIPAL CIVIL INFRACTION, THE VIOLATION SHALL BE DEEMED TO BE A MISDEMEANOR.

(B) THE PENALTY FOR A MISDEMEANOR VIOLATION SHALL BE A FINE NOT EXCEEDING $500.00 (PLUS COSTS OF PROSECUTION), OR IMPRISONMENT NOT EXCEEDING 90 DAYS, OR BOTH, UNLESS A SPECIFIC PENALTY IS OTHERWISE PROVIDED FOR THE VIOLATION BY THIS CODE OR ANY ORDINANCE.

(C) THE SANCTION FOR A VIOLATION WHICH IS A MUNICIPAL CIVIL INFRACTION SHALL BE A CIVIL

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FINE IN THE AMOUNT AS PROVIDED BY THIS CODE OR ANY ORDINANCE, PLUS ANY COSTS, DAMAGES, EXPENSES AND OTHER SANCTIONS, AS AUTHORIZED UNDER CHAPTER 87 OF ACT NO. 236 OF THE PUBLIC ACTS OF 1961, AS AMENDED, AND OTHER APPLICABLE LAWS.

(1) UNLESS OTHERWISE SPECIFICALLY PROVIDED FOR A PARTICULAR MUNICIPAL CIVIL INFRACTION VIOLATION BY THIS CODE OR ANY ORDINANCE, THE CIVIL FINE FOR A VIOLATION SHALL BE NOT LESS THAN $150.00, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION.

(2) INCREASED CIVIL FINES MAY BE IMPOSED FOR REPEATED VIOLATIONS BY A PERSON OF ANY REQUIREMENT OR PROVISION OF THIS CODE OR ANY ORDINANCE. AS USED IN THIS SECTION, "REPEAT OFFENSE" MEANS A SECOND (OR ANY SUBSEQUENT) MUNICIPAL CIVIL INFRACTION VIOLATION OF THE SAME REQUIREMENT OR PROVISION (I) COMMITTED BY A PERSON WITHIN ANY 12 MONTH PERIOD (UNLESS SOME OTHER PERIOD IS SPECIFICALLY PROVIDED BY THIS CODE OR ANY ORDINANCE) AND (II) FOR WHICH THE PERSON ADMITS RESPONSIBILITY OR IS DETERMINED TO BE RESPONSIBLE. UNLESS OTHERWISE SPECIFICALLY PROVIDED BY THIS CODE OR ANY ORDINANCE FOR A PARTICULAR MUNICIPAL CIVIL INFRACTION VIOLATION, THE INCREASED FINE FOR A REPEAT OFFENSE SHALL BE AS FOLLOWS:

(A) THE FINE FOR ANY OFFENSE WHICH IS A FIRST REPEAT OFFENSE SHALL BE NOT LESS THAN $250.00, PLUS COSTS.

(B) THE FINE FOR ANY OFFENSE WHICH IS A SECOND REPEAT OFFENSE OR ANY SUBSEQUENT REPEAT OFFENSE SHALL BE NOT LESS THAN $500.00, PLUS COSTS.

(D) A "VIOLATION" INCLUDES ANY ACT WHICH IS PROHIBITED OR MADE OR DECLARED TO BE UNLAWFUL OR AN OFFENSE BY THIS CODE OR ANY ORDINANCE; AND ANY OMISSION OR FAILURE TO ACT WHERE THE ACT IS REQUIRED BY THIS CODE OR ANY ORDINANCE.

(E) EACH DAY ON WHICH ANY VIOLATION OF THIS CODE OR ANY ORDINANCE CONTINUES CONSTITUTES A SEPARATE OFFENSE AND SHALL BE SUBJECT TO PENALTIES OR SANCTIONS AS A SEPARATE OFFENSE.

(F) IN ADDITION TO ANY REMEDIES AVAILABLE AT LAW, THE CITY MAY BRING AN ACTION FOR AN INJUNCTION OR OTHER PROCESS AGAINST A PERSON TO RESTRAIN, PREVENT OR ABATE ANY VIOLATION OF THIS CODE OR ANY CITY ORDINANCE.

(G) Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or of State law, or provided by State law, including the enforced removal of prohibited conditions.

(H) Complicity. Every person who commits or procures, counsels, aids or abets the commission of any act declared in these Codified Ordinances to be an offense, whether individually or in connection with another person, or as principal, agent or accessory, shall be guilty of (OR RESPONSIBLE FOR) such offense. Every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of these Codified Ordinances shall likewise be guilty of (OR RESPONSIBLE FOR) such offense.

Section 3. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 4. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 5. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Section 6. This ordinance shall expire 10 years from the date of its passage by City Council unless readopted prior to that time.

Marilynn Slade, City Clerk

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Chapter, Chapter 203, for the purpose of Establishing a Municipal Ordinance Violations Bureau and Procedures, be placed on order of immediate passage

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BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER, CHAPTER 203, FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL ORDINANCE VIOLATIONS BUREAU AND PROCEDURES, BE NOW PASSED.

BY COUNCILMEMBER LILLY

TO AMEND THE ORDINANCE BY ADDING A SUBSECTION 203.5(H), FOR THE PURPOSE OF PROVIDING FOR THE WITHDRAWAL OF A MUNICIPAL CIVIL INFRACTION NOTICE OF VIOLATION BY AN AUTHORIZED ENFORCEMENT OFFICIAL UPON WRITTEN PROOF OF COMPLIANCE WITHIN THE TIME FOR ANSWER IN THE MUNICIPAL CIVIL INFRACTIONS VIOLATIONS BUREAU, TO READ AS FOLLOWS:

203.5(H) WITHDRAWAL OF NOTICE OF VIOLATION

AN AUTHORIZED ENFORCEMENT OFFICIAL WHO HAS ISSUED A NOTICE OF VIOLATION MAY, WITHIN THE TIME FOR ANSWERING A MUNICIPAL CIVIL INFRACTION NOTICE OF VIOLATION IN THE BUREAU, WITHDRAW THE NOTICE OF VIOLATION UPON WRITTEN PROOF THAT THE ALLEGED VIOLATION HAS BEEN BROUGHT INTO COMPLIANCE.

MOTION DEFEATED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, LILLY

NAYS: COUNCILMEMBERS BAUER, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

COUNCILMEMBER BEAL'S MOTION FOR AFFIRMATIVE ROLL WAS:

ADOPTED BY THE FOLLOWING VOTE;

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBER LILLY (ABSENT FOR THIS VOTE)

ORDINANCE NO. 0930

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BY ADDING A NEW CHAPTER 203, FOR THE PURPOSE OF ESTABLISHING A MUNICIPAL ORDINANCE VIOLATIONS BUREAU, PROCEDURES FOR ENFORCING MUNICIPAL CIVIL INFRACTIONS, AND A SCHEDULE OF FINES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY ADDING A NEW CHAPTER, CHAPTER 203, TO READ IN ITS ENTIRETY AS FOLLOWS:

CHAPTER 203 MUNICIPAL CIVIL INFRACTIONS

203.1 DEFINITIONS. AS USED IN THIS CHAPTER:

"ACT" MEANS ACT NO. 236 OF THE PUBLIC ACTS OF 1961, AS AMENDED.

"AUTHORIZED CITY OFFICIAL" MEANS A POLICE OFFICER OR OTHER PERSONNEL OF THE CITY AUTHORIZED BY THIS CODE OR ANY ORDINANCE TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES.

"BUREAU" MEANS THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU AS ESTABLISHED BY THIS CHAPTER.

"MUNICIPAL CIVIL INFRACTION ACTION" MEANS A CIVIL ACTION IN WHICH THE DEFENDANT IS ALLEGED TO BE RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION.

"MUNICIPAL CIVIL INFRACTION CITATION" MEANS A WRITTEN COMPLAINT OR NOTICE PREPARED BY AN AUTHORIZED CITY OFFICIAL, DIRECTING A PERSON TO APPEAR IN COURT REGARDING THE OCCURRENCE OR EXISTENCE OF A MUNICIPAL CIVIL INFRACTION VIOLATION BY THE PERSON CITED.

"MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE" MEANS A WRITTEN NOTICE PREPARED BY AN AUTHORIZED CITY OFFICIAL, DIRECTING A PERSON TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU AND TO PAY THE FINE AND COSTS, IF ANY, PRESCRIBED FOR THE VIOLATION BY THE SCHEDULE OF CIVIL FINES ADOPTED BY THE CITY, AS AUTHORIZED UNDER SECTIONS 8396 AND 8707(6) OF THE ACT.

203.2 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT.

A MUNICIPAL CIVIL INFRACTION ACTION MAY BE COMMENCED UPON THE ISSUANCE BY AN AUTHORIZED CITY OFFICIAL OF (1) A MUNICIPAL CIVIL INFRACTION CITATION DIRECTING THE ALLEGED VIOLATOR TO APPEAR IN COURT; OR (2) A MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE DIRECTING THE ALLEGED VIOLATOR TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU.

203.3 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE.

MUNICIPAL CIVIL INFRACTION CITATIONS SHALL BE ISSUED AND SERVED BY AUTHORIZED CITY OFFICIALS AS FOLLOWS:

(A) THE TIME FOR APPEARANCE SPECIFIED IN A CITATION SHALL BE WITHIN A REASONABLE TIME

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AFTER THE CITATION IS ISSUED.

(B) THE PLACE FOR APPEARANCE SPECIFIED IN A CITATION SHALL BE THE DISTRICT COURT.

(C) EACH CITATION SHALL BE NUMBERED CONSECUTIVELY AND SHALL BE IN A FORM APPROVED BY THE STATE COURT ADMINISTRATOR. THE ORIGINAL CITATION SHALL BE FILED WITH THE DISTRICT COURT. COPIES OF THE CITATION SHALL BE RETAINED BY THE CITY AND ISSUED TO THE ALLEGED VIOLATOR AS PROVIDED BY SECTION 8705 OF THE ACT.

(D) A CITATION FOR A MUNICIPAL CIVIL INFRACTION SIGNED BY AN AUTHORIZED CITY OFFICIAL SHALL BE TREATED AS MADE UNDER OATH IF THE VIOLATION ALLEGED IN THE CITATION OCCURRED IN THE PRESENCE OF THE OFFICIAL SIGNING THE COMPLAINT AND IF THE CITATION CONTAINS THE FOLLOWING STATEMENT IMMEDIATELY ABOVE THE DATE AND SIGNATURE OF THE OFFICIAL: "I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE, AND BELIEF."

(E) AN AUTHORIZED CITY OFFICIAL WHO WITNESSES A PERSON COMMIT A MUNICIPAL CIVIL INFRACTION SHALL PREPARE AND SUBSCRIBE, AS SOON AS POSSIBLE AND AS COMPLETELY AS POSSIBLE, AN ORIGINAL AND REQUIRED COPIES OF A CITATION.

(F) AN AUTHORIZED CITY OFFICIAL MAY ISSUE A CITATION TO A PERSON IF:

(1) BASED UPON INVESTIGATION, THE OFFICIAL HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION; OR

(2) BASED UPON INVESTIGATION OF A COMPLAINT BY SOMEONE WHO ALLEGEDLY WITNESSED THE PERSON COMMIT A MUNICIPAL CIVIL INFRACTION, THE OFFICIAL HAS REASONABLE CAUSE TO BELIEVE THAT THE PERSON IS RESPONSIBLE FOR AN INFRACTION AND IF THE CITY ATTORNEY APPROVES IN WRITING THE ISSUANCE OF THE CITATION.

(G) MUNICIPAL CIVIL INFRACTION CITATIONS SHALL BE SERVED BY AN AUTHORIZED CITY OFFICIAL AS FOLLOWS:

(1) EXCEPT AS PROVIDED BY SECTION 203.3(G)(2), AN AUTHORIZED CITY OFFICIAL SHALL PERSONALLY SERVE A COPY OF THE CITATION UPON THE ALLEGED VIOLATOR.

(2) IF THE MUNICIPAL CIVIL INFRACTION INVOLVES THE USE OR OCCUPANCY OF LAND, A BUILDING OR OTHER STRUCTURE, A COPY OF THE CITATION DOES NOT NEED TO BE PERSONALLY SERVED UPON THE ALLEGED VIOLATOR, BUT MAY BE SERVED UPON AN OWNER OR OCCUPANT OF THE LAND, BUILDING OR STRUCTURE BY POSTING THE COPY ON THE LAND OR ATTACHING THE COPY TO THE BUILDING OR STRUCTURE. IN ADDITION, A COPY OF THE CITATION SHALL BE SENT BY FIRST CLASS MAIL TO THE OWNER OF THE LAND, BUILDING, OR STRUCTURE AT THE OWNER'S LAST KNOWN ADDRESS.

203.4 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS.

(A) A MUNICIPAL ORDINANCE CITATION SHALL CONTAIN THE NAME AND ADDRESS OF THE ALLEGED VIOLATOR, THE MUNICIPAL CIVIL INFRACTION ALLEGED, THE PLACE WHERE THE ALLEGED VIOLATOR SHALL APPEAR IN COURT, THE TELEPHONE NUMBER OF THE COURT, AND THE TIME AT OR BY WHICH THE APPEARANCE SHALL BE MADE.

(B) FURTHER, THE CITATION SHALL INFORM THE ALLEGED VIOLATOR THAT HE OR SHE MAY DO ONE OF THE FOLLOWING:

(1) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION BY MAIL, IN PERSON, OR BY REPRESENTATION, AT OR BY THE TIME SPECIFIED FOR APPEARANCE.

(2) ADMIT RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION "WITH EXPLANATION" BY MAIL BY THE TIME SPECIFIED FOR APPEARANCE OR, IN PERSON, OR BY REPRESENTATION.

(3) DENY RESPONSIBILITY FOR THE MUNICIPAL CIVIL INFRACTION BY DOING EITHER OF THE FOLLOWING:

(A) APPEARING IN PERSON FOR AN INFORMAL HEARING BEFORE A JUDGE OR DISTRICT COURT MAGISTRATE, WITHOUT THE OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY, UNLESS A FORMAL HEARING BEFORE A JUDGE IS REQUESTED BY THE CITY.

(B) APPEARING IN COURT FOR A FORMAL HEARING BEFORE A JUDGE, WITH THE OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

(C) THE CITATION SHALL ALSO INFORM THE ALLEGED VIOLATOR OF ALL OF THE FOLLOWING:

(1) THAT IF THE ALLEGED VIOLATOR DESIRES TO ADMIT RESPONSIBILITY "WITH EXPLANATION" IN PERSON OR BY REPRESENTATION, THE ALLEGED VIOLATOR MUST APPLY TO THE COURT IN PERSON, BY MAIL, BY TELEPHONE, OR BY REPRESENTATION WITHIN THE TIME SPECIFIED FOR APPEARANCE AND OBTAIN A SCHEDULED DATE AND TIME FOR AN APPEARANCE.

(2) THAT IF THE ALLEGED VIOLATOR DESIRES TO DENY RESPONSIBILITY, THE ALLEGED VIOLATOR MUST APPLY TO THE COURT IN PERSON, BY MAIL, BY TELEPHONE, OR BY REPRESENTATION WITHIN THE TIME SPECIFIED FOR APPEARANCE AND OBTAIN A SCHEDULED DATE AND TIME TO APPEAR FOR A HEARING, UNLESS A HEARING DATE IS SPECIFIED ON THE CITATION.

(3) THAT A HEARING SHALL BE AN INFORMAL HEARING UNLESS A FORMAL HEARING IS REQUESTED BY THE ALLEGED VIOLATOR OR THE CITY.

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(4) THAT AT AN INFORMAL HEARING THE ALLEGED VIOLATOR MUST APPEAR IN PERSON BEFORE A JUDGE OR DISTRICT COURT MAGISTRATE, WITHOUT THE OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

(5) THAT AT A FORMAL HEARING THE ALLEGED VIOLATOR MUST APPEAR IN PERSON BEFORE A JUDGE WITH THE OPPORTUNITY OF BEING REPRESENTED BY AN ATTORNEY.

(D) THE CITATION SHALL CONTAIN A NOTICE IN BOLDFACED TYPE THAT THE FAILURE OF THE ALLEGED VIOLATOR TO APPEAR WITHIN THE TIME SPECIFIED IN THE CITATION OR AT THE TIME SCHEDULED FOR A HEARING OR APPEARANCE IS A MISDEMEANOR AND WILL RESULT IN ENTRY OF A DEFAULT JUDGMENT AGAINST THE ALLEGED VIOLATOR ON THE MUNICIPAL CIVIL INFRACTION.

203.5 MUNICIPAL ORDINANCE VIOLATIONS BUREAU.

(A) BUREAU ESTABLISHED. THE CITY ESTABLISHES A MUNICIPAL ORDINANCE VIOLATIONS BUREAU ("BUREAU") AS AUTHORIZED UNDER SECTION 8396 OF THE ACT TO ACCEPT ADMISSIONS OF RESPONSIBILITY FOR MUNICIPAL CIVIL INFRACTIONS IN RESPONSE TO MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES ISSUED AND SERVED BY AUTHORIZED CITY OFFICIALS, AND TO COLLECT AND RETAIN CIVIL FINES AND COSTS AS PRESCRIBED BY THIS CODE OR ANY ORDINANCE.

(B) LOCATION; SUPERVISION; EMPLOYEES; RULES AND REGULATIONS. THE BUREAU SHALL BE LOCATED AT CITY HALL, AND SHALL BE UNDER THE SUPERVISION AND CONTROL OF THE CITY TREASURER. THE CITY TREASURER, SUBJECT TO THE APPROVAL OF THE CITY COUNCIL, SHALL ADOPT RULES AND REGULATIONS FOR THE OPERATION OF THE BUREAU AND APPOINT ANY NECESSARY QUALIFIED CITY EMPLOYEES TO ADMINISTER THE BUREAU.

(C) DISPOSITION OF VIOLATIONS. THE BUREAU MAY DISPOSE ONLY OF MUNICIPAL CIVIL INFRACTION VIOLATIONS FOR WHICH A FINE HAS BEEN SCHEDULED AND FOR WHICH A MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE (AS COMPARED WITH A CITATION) HAS BEEN ISSUED. THE FACT THAT A FINE HAS BEEN SCHEDULED FOR A PARTICULAR VIOLATION SHALL NOT ENTITLE ANY PERSON TO DISPOSE OF THE VIOLATION AT THE BUREAU. NOTHING IN THIS CHAPTER SHALL PREVENT OR RESTRICT THE CITY FROM ISSUING A MUNICIPAL CIVIL INFRACTION CITATION FOR ANY VIOLATION OR FROM PROSECUTING ANY VIOLATION IN A COURT OF COMPETENT JURISDICTION. NO PERSON SHALL BE REQUIRED TO DISPOSE OF A MUNICIPAL CIVIL INFRACTION VIOLATION AT THE BUREAU AND MAY HAVE THE VIOLATION PROCESSED BEFORE A COURT OF APPROPRIATE JURISDICTION. THE UNWILLINGNESS OF ANY PERSON TO DISPOSE OF ANY VIOLATION AT THE BUREAU SHALL NOT PREJUDICE THE PERSON OR IN ANY WAY DIMINISH THE PERSON'S RIGHTS, PRIVILEGES AND PROTECTION ACCORDED BY LAW.

(D) BUREAU LIMITED TO ACCEPTING ADMISSIONS OF RESPONSIBILITY. THE SCOPE OF THE BUREAU'S AUTHORITY SHALL BE LIMITED TO ACCEPTING ADMISSIONS OF RESPONSIBILITY FOR MUNICIPAL CIVIL INFRACTIONS AND COLLECTING AND RETAINING CIVIL FINES AND COSTS AS A RESULT OF THOSE ADMISSIONS. THE BUREAU SHALL NOT ACCEPT PAYMENT OF A FINE FROM ANY PERSON WHO DENIES HAVING COMMITTED THE OFFENSE OR WHO ADMITS RESPONSIBILITY ONLY WITH EXPLANATION, AND IN NO EVENT SHALL THE BUREAU DETERMINE, OR ATTEMPT TO DETERMINE, THE TRUTH OR FALSITY OF ANY FACT OR MATTER RELATING TO AN ALLEGED VIOLATION.

(E) MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES. MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES SHALL BE ISSUED AND SERVED BY AUTHORIZED CITY OFFICIALS UNDER THE SAME CIRCUMSTANCES AND UPON THE SAME PERSONS AS PROVIDED FOR CITATIONS AS PROVIDED IN SECTIONS 203.3(F) AND (G) OF THIS CHAPTER. IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THIS CODE OR OTHER ORDINANCE, THE NOTICE OF VIOLATION SHALL INDICATE THE TIME BY WHICH THE ALLEGED VIOLATOR MUST APPEAR AT THE BUREAU, THE METHODS BY WHICH AN APPEARANCE MAY BE MADE, THE ADDRESS AND TELEPHONE NUMBER OF THE BUREAU, THE HOURS DURING WHICH THE BUREAU IS OPEN, THE AMOUNT OF THE FINE SCHEDULED FOR THE ALLEGED VIOLATION, AND THE CONSEQUENCES FOR FAILURE TO APPEAR AND PAY THE REQUIRED FINE WITHIN THE REQUIRED TIME.

(F) APPEARANCE; PAYMENT OF FINES AND COSTS. AN ALLEGED VIOLATOR RECEIVING A MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE SHALL APPEAR AT THE BUREAU AND PAY THE SPECIFIED FINE AND COSTS AT OR BY THE TIME SPECIFIED FOR APPEARANCE IN THE MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE. AN APPEARANCE MAY BE MADE BY MAIL, IN PERSON, OR BY REPRESENTATION.

(G) PROCEDURE WHERE ADMISSION OF RESPONSIBILITY NOT MADE OR FINE NOT PAID. IF AN AUTHORIZED CITY OFFICIAL ISSUES AND SERVES A MUNICIPAL ORDINANCE VIOLATION NOTICE AND IF AN ADMISSION OF RESPONSIBILITY IS NOT MADE AND THE CIVIL FINE AND COSTS, IF ANY, PRESCRIBED BY THE SCHEDULE OF FINES FOR THE VIOLATION ARE NOT PAID AT THE BUREAU, A MUNICIPAL CIVIL INFRACTION CITATION MAY BE FILED WITH THE DISTRICT COURT AND A COPY OF THE CITATION MAY BE SERVED BY FIRST CLASS MAIL UPON THE ALLEGED VIOLATOR AT THE ALLEGED VIOLATOR'S LAST KNOWN ADDRESS. THE CITATION FILED WITH THE COURT DOES NOT NEED TO COMPLY IN ALL PARTICULARS WITH THE REQUIREMENTS FOR CITATIONS AS PROVIDED BY SECTIONS 8705 AND 8709 OF THE ACT, BUT SHALL CONSIST OF A SWORN COMPLAINT

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CONTAINING THE ALLEGATIONS STATED IN THE MUNICIPAL ORDINANCE VIOLATION NOTICE AND SHALL FAIRLY INFORM THE ALLEGED VIOLATOR HOW TO RESPOND TO THE CITATION.

203.6 SCHEDULE OF CIVIL FINES ESTABLISHED.

(A) A SCHEDULE OF CIVIL FINES PAYABLE TO THE BUREAU FOR ADMISSIONS OF RESPONSIBILITY SERVED WITH MUNICIPAL ORDINANCE VIOLATION NOTICES IS ESTABLISHED. THE FINES FOR THE VIOLATIONS LISTED BELOW SHALL BE AS FOLLOWS:

(1) CHAPTER 1020, STREETS AND SIDEWALKS
1020.06 SNOW AND ICE $ 20.00
FIRST REPEAT OFFENSE $ 40.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $ 60.00

(2) CHAPTER 1030, NUMBERING OF BUILDINGS
1030.05 DISPLAY OF NUMBERS $ 20.00
FIRST REPEAT OFFENSE $40.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $ 60.00

(3) CHAPTER 1420, BUILDING CODE
1420.01 ET SEQ. $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(4) CHAPTER 1422, PLUMBING CODE
1422.01 ET SEQ. $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(5) CHAPTER 1424, ELECTRICAL CODE
1424.01 ET SEQ. $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(6) CHAPTER 1426, MECHANICAL CODE
1426.01 ET SEQ. $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(7) CHAPTER 1442, SIGN CODE
1442.01 ET SEQ. $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(8) CHAPTER 1460, HOUSING CODE
1460.01 ET SEQ. $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(9) CHAPTER 1610, FIRE CODE
1610.01 ET SEQ. $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(10) PART TWELVE, TITLE FOUR, SUBDIVISION REGULATIONS
CHAPTERS 1230 - 1238 $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(11) PART TWELVE, TITLE SIX, ZONING CODE
CHAPTERS 1240 - 1296 $150.00
FIRST REPEAT OFFENSE $250.00
SECOND (OR ANY SUBSEQUENT) REPEAT OFFENSE $500.00

(B) A COPY OF THE SCHEDULE, AS AMENDED FROM TIME TO TIME, SHALL BE POSTED AT THE BUREAU.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

SECTION 5. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1020.98 AND AMENDING SECTION 1020.99; REQUIREMENTS FOR SHOVELING SNOW AND ICE FROM SIDEWALKS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

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By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1020.98 and Amending Section 1020.99; Requirements for Shoveling Snow and Ice From Sidewalks, to the Code of Ordinances, City of Lansing, be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly (Absent for this vote))

ORDINANCE NO. 0931

AN ORDINANCE TO AMEND CHAPTER 1020 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN BY ADDING A SECTION 1020.98 AND AMENDING SECTION 1020.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1020 of the Codified Ordinances of the City of Lansing, Michigan, be amended by adding a section 1020.98, to read in its entirety as follows:

1020.98. AUTHORIZED CITY OFFICIAL.

ALL PUBLIC SERVICE INSPECTORS AND ENGINEERS ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

Section 2. That Section 1020.99 of the Code of Ordinances of the City of Lansing, Michigan be amended to read in its entirety as follows:

1020.99 PENALTY.

(A) MUNICIPAL CIVIL INFRACTION. A PERSON WHO VIOLATES SECTION 1020.06 IS RESPONSIBLE FOR Â MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99 (c) (2) OF THIS CODE.

(B) MISDEMEANOR. A PERSON WHO VIOLATES ANY PROVISION OF CHAPTER 1020, EXCEPT SECTION 1020.06, IS RESPONSIBLE FOR A MISDEMEANOR, SUBJECT TO PENALTIES AS PROVIDED BY SECTION 202.99 (B) OF THIS CODE.

Section 3. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 4. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 5. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Section 6. This Ordinance shall expire 10 years from the date of its passage by City Council unless readopted prior to that time.

Marilynn Slade, City Clerk

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1030.98 and Amending Section 1030.99; Requirements for Display of Address Numbers, to the Code of Ordinances, City of Lansing, be placed on order of immediate passage

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1030.98 and Amending Section 1030.99; Requirements for Display of Address Numbers, to the Code of Ordinances, City of Lansing, Be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly (Absent for this vote)

ORDINANCE NO. 0932

AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN BY ADDING A SECTION 1030.98 AND AMENDING SECTION 1030-99 OF THE CODE OF ORDINANCES,

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CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1030 of the Codified Ordinances of the City of Lansing, Michigan, be amended by adding a Section 1030.98, to read in its entirety as follows:

1030.98. AUTHORIZED CITY OFFICIAL.

ALL PUBLIC SERVICE INSPECTORS AND ENGINEERS ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

Section 2. That Section 1030.99 of the Code of Ordinances of the City of Lansing, Michigan be amended to read in its entirety as follows:

1030.99. PENALTY.

(A) MUNICIPAL CIVIL INFRACTION. A PERSON WHO VIOLATES SECTION 1030.05 IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE.

(B) MISDEMEANOR. A PERSON WHO VIOLATES ANY PROVISION OF CHAPTER 1030, EXCEPT SECTION 1030.05, IS RESPONSIBLE FOR A MISDEMEANOR, SUBJECT TO PENALTIES AS PROVIDED BY SECTION 202.99(B) OF THIS CODE.

Section 3. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 4. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 5. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Section 6. This Ordinance shall expire 10 years from the date of its passage by City Council unless readopted prior to that time.

Marilynn Slade, City Clerk

By Councilmember Beal

That we move to the passage of Ordinances

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1232.98 and Amending Section 1232.99; Subdivision Regulations, be placed on order of immediate passage

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1232.98 and Amending Section 1232.99; Subdivision Regulations, Be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly (absent for this vote

ORDINANCE NO. 0933

AN ORDINANCE TO AMEND CHAPTER 1232 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN BY ADDING A SECTION 1232.98 AND AMENDING SECTION 1232.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1232 of the Codified Ordinances of the City of Lansing, Michigan, be amended by adding a Section 1232.98, to read in its entirety as follows:

1232.98. AUTHORIZED CITY OFFICIAL.

THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT, THE ZONING ADMINISTRATOR, THE PLANNING MANAGER, AND ALL CODE COMPLIANCE OFFICERS ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

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SECTION 2. THAT SECTION 1232.99 OF THE CODE OF ORDINANCES, OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

1232.99. PENALTY; EQUITABLE REMEDIES.

(A) A PERSON WHO VIOLATES THESE SUBDIVISION REGULATIONS IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE. A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OR NONCOMPLIANCE OCCURS OR CONTINUES.

(B) ANY LANDOWNER, TENANT, SUBDIVIDER, BUILDER, PUBLIC OFFICIAL OR OTHER PERSON WHO COMMITS, PARTICIPATES IN, ASSISTS IN OR MAINTAINS SUCH VIOLATION OR NONCOMPLIANCE MAY EACH BE FOUND RESPONSIBLE FOR A SEPARATE OFFENSE AND SUFFER THE PENALTIES HEREIN PROVIDED.

(C) NOTHING HEREIN CONTAINED SHALL PREVENT THE PLANNING BOARD, COUNCIL OR ANY OTHER PUBLIC OFFICIAL OR PRIVATE CITIZEN FROM TAKING SUCH LAWFUL ACTION AS IS NECESSARY TO PREVENT OR REMEDY ANY VIOLATION OR NONCOMPLIANCE.

SECTION 3. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 4. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

SECTION 6. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 1242.01(A) AND 1242.99, AND REPEALING SECTION 1242.03; ZONING CODE VIOLATIONS, OF THE CODE OF ORDINANCES, CITY OF LANSING, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING SECTION 1242.01(A) AND 1242.99, AND REPEALING SECTION 1242.03; ZONING CODE VIOLATIONS, OF THE CODE OF ORDINANCES, CITY OF LANSING, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBER LILLY (ABSENT FOR THIS VOTE)

ORDINANCE NO. 0934

AN ORDINANCE TO AMEND CHAPTER 1242 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN BY AMENDING SECTIONS 1242.01(A) AND 1242.99, AND REPEALING SECTION 1242.03, OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 1242 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY AMENDING SECTION 1242.01(A), TO READ IN ITS ENTIRETY AS FOLLOWS:

1242.01. ENFORCEMENT BY PLANNING DIVISION, CODE COMPLIANCE OFFICE, AND BUILDING SAFETY OFFICE; VIOLATIONS; REVIEWS.

(A) THE PLANNING DIVISION, THE CODE COMPLIANCE OFFICE, AND THE BUILDING SAFETY OFFICE ARE HEREBY AUTHORIZED AND DIRECTED TO ENFORCE THIS ZONING CODE AND FOR SUCH PURPOSE THE AUTHORIZED REPRESENTATIVES OF SUCH DIVISION AND SUCH OFFICE SHALL HAVE THE POWERS OF A LAW ENFORCEMENT OFFICER. THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT, THE ZONING ADMINISTRATOR, THE PLANNING MANAGER, AND ALL CODE COMPLIANCE OFFICERS ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE. AS USED IN THIS SECTION AND THROUGHOUT THESE CODIFIED ORDINANCES, "PLANNING DIVISION", "CODE

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COMPLIANCE OFFICE", AND "BUILDING SAFETY OFFICE" MEAN THE DIVISION AND THE OFFICE WITHIN THE DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT.

SECTION 2. THAT SECTION 1242.03 OF THE CODE OF ORDINANCES, OF THE CITY OF LANSING, MICHIGAN BE REPEALED IN ITS ENTIRETY.

SECTION 3. THAT SECTION 1242.99 OF THE CODE OF ORDINANCES, OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

1242.99. PENALTY; NOTICE TO ABATE VIOLATIONS; EQUITABLE REMEDIES.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS ZONING CODE, A PERSON WHO VIOLATES THE PROVISIONS OF THIS ZONING CODE IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE.

(B) IN ALL CASES WHERE PENALTIES OR FORFEITURES ARE PROVIDED FOR ANY ACT OR OMISSION, THEY SHALL BE HELD TO APPLY TO EACH AND EVERY SUCH ACT OR OMISSION. EACH AND EVERY DAY THE VIOLATION EXISTS SHALL BE A SEPARATE ACT OR OMISSION. IN ADDITION TO THE FOREGOING PENALTIES, THE CITY MAY ENJOIN OR ABATE ANY VIOLATION OF ANY OF THE PROVISIONS OF THIS ZONING CODE BY APPROPRIATE ACTION.

SECTION 4. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 5. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 6. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.
SECTION 7. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1420.98 AND AMENDING SECTION 1420.99; BUILDING CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1420.98 AND AMENDING SECTION 1420.99; BUILDING CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBER LILLY (ABSENT FOR THIS VOTE)

ORDINANCE NO. 0935

AN ORDINANCE TO AMEND CHAPTER 1420 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN BY ADDING A SECTION 1042.98 AND BY AMENDING SECTION 1420.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 1420 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY ADDING A SECTION 1420.98, TO READ IN ITS ENTIRETY AS FOLLOWS:

1420.98 AUTHORIZED CITY OFFICIAL.

ALL BUILDING INSPECTORS AND THE BUILDING OFFICIAL ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

SECTION 2. THAT SECTION 1420.99 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING BE AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

1420.99 PENALTY.

(A) MUNICIPAL CIVIL INFRACTION. A PERSON

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WHO VIOLATES ANY PROVISION OF CHAPTER 1420, EXCEPT SECTION 1420(203) [U.B.C. SECTION 203], IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99 (C) (2) OF THIS CODE.

(B) MISDEMEANOR. A PERSON WHO VIOLATES ANY PROVISION OF SECTION 1420.02(203) [U.B.C. 203] IS RESPONSIBLE FOR A MISDEMEANOR, SUBJECT TO PENALTIES AS PROVIDED BY SECTION 202.99(B) OF THIS CODE.

SECTION 3. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 4. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL

SECTION 6. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1422.98 AND AMENDING SECTION 1422.99; PLUMBING CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1422.98 AND AMENDING SECTION 1422.99; PLUMBING CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBER LILLY (ABSENT FOR THIS VOTE)

ORDINANCE NO. 0936

AN ORDINANCE TO AMEND CHAPTER 1422 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BY ADDING A SECTION 1422.98 AND BY AMENDING SECTION 1422.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 1422 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY ADDING A SECTION 1422.98 TO READ IN ITS ENTIRETY AS FOLLOWS:

1422.98. AUTHORIZED CITY OFFICIAL.

ALL PLUMBING INSPECTORS AND THE BUILDING OFFICIAL ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

SECTION 2. THAT SECTION 1422.99 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING BE AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

1422.99. PENALTY.

A PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER (CHAPTER 1422, PLUMBING CODE) IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES UNDER THIS CHAPTER SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE.

SECTION 3. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 4. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

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Section 5. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Section 6. This ordinance shall expire 10 years from the date of its passage by City Council unless readopted prior to that time.

Marilynn Slade, City Clerk

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1424.98 and Amending Section 1424.99; Electrical Code Violations, to the Code of Ordinances, City of Lansing, be placed on order of immediate passage

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1424.98 and Amending Section 1424.99; Electrical Code Violations, to the Code of Ordinances, City of Lansing, to the Code of Ordinances, City of Lansing, Be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly (Absent for this vote)

ORDINANCE NO. 0937

AN ORDINANCE TO AMEND CHAPTER 1424 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BY ADDING A SECTION 1424.98 AND BY AMENDING SECTION 1424.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1424 of the Codifies Ordinances of the City of Lansing, Michigan, be amended by adding a Section 1424.98, to read in its entirety as follows:

1424.98. AUTHORIZED CITY OFFICIAL.

ALL ELECTRICAL INSPECTORS AND THE BUILDING OFFICIAL ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

Section 2. That Section 1424.99 of the Code of Ordinances of the City of Lansing be amended to read in its entirety as follows:

1424.99. PENALTY.

A PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER (CHAPTER 1424, ELECTRICAL CODE) IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES UNDER THIS CHAPTER SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE.

Section 3. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 4. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 5. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Section 6. This ordinance shall expire 10 years from the date of its passage by City Council unless readopted prior to that time.

Marilynn Slade, City Clerk

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1426.98 and Amending Section 1426.99; Mechanical Code Violations, to the Code of Ordinances, City of Lansing, be placed on order

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OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1426.98 and Amending Section 1426.99; Mechanical Code Violations, to the Code of Ordinances, City of Lansing, to the Code of Ordinances, City of Lansing, Be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly (Absent for this vote)

ORDINANCE NO. 0938

AN ORDINANCE TO AMEND CHAPTER 1426 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BY ADDING A SECTION 1426-98 AND BY AMENDING SECTION 1426.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1426 of the Codified ordinances of the City of Lansing, Michigan, be amended by adding a Section 1426.98 to read in its entirety as follows:

1426.98. AUTHORIZED CITY OFFICIAL.

ALL MECHANICAL INSPECTORS AND THE BUILDING OFFICIAL ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

Section 2. That Section 1426.99 of the Code of Ordinances of the City of Lansing be amended to read in its entirety as follows:

1426.99. PENALTY.

A PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER (CHAPTER 1426, MECHANICAL CODE) IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES UNDER THIS CHAPTER SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE.

Section 3. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 4. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 5. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Section 6. This ordinance shall expire 10 years from the date of its passage by City Council unless readopted prior to that time.

Marilynn Slade, City Clerk

By Councilmember Beal

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1442.98 and Amending Section 1442.99; Sign Code Violations, to the Code of Ordinances, City of Lansing, be placed on order of immediate passage

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Adding a New Section, Section 1442.98 and Amending Section 1442.99; Sign Code Violations, to the Code of Ordinances, City of Lansing, to the Code of Ordinances, City of Lansing, Be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly (Absent for this vote)

ORDINANCE NO. 0939

AN ORDINANCE TO AMEND CHAPTER 1442 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BY ADDING A SECTION 1442.98 AND BY AMENDING SECTION 1442.99 OF THE CODE OF

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ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 1442 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY ADDING A SECTION 1442.98 TO READ IN ITS ENTIRETY AS FOLLOWS:

1442.98. AUTHORIZED CITY OFFICIAL.

THE DIRECTOR OF PLANNING AND NEIGHBORHOOD DEVELOPMENT, THE ZONING ADMINISTRATOR, THE BUILDING OFFICIAL, AND ALL BUILDING INSPECTORS ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

SECTION 2. THAT SECTION 1442.99 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING BE AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

1442.99. PENALTY.

A PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER (CHAPTER 1442, SIGN CODE) IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES UNDER THIS CHAPTER SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE.

SECTION 3. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 4. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

SECTION 6. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1460.30; REGULATION OF DISABLED MOTOR VEHICLES, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1460.30; REGULATION OF DISABLED MOTOR VEHICLES, TO THE CODE OF ORDINANCES, CITY OF LANSING, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBER LILLY (ABSENT FOR THIS VOTE)

ORDINANCE NO. 0940

AN ORDINANCE TO AMEND CHAPTER 1460 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BY ADDING A SECTION 1460.30 FOR THE PURPOSE OF REGULATING DISABLED MOTOR VEHICLES; TO DEFINE THE TERM "DISABLED MOTOR VEHICLE"; TO PROHIBIT THOSE VEHICLES FROM BEING LEFT, STORED, OR REPAIRED IN SPECIFIED AREAS; TO PROVIDE THAT A VIOLATION SHALL BE A MUNICIPAL CIVIL INFRACTION; AND PROVIDE PENALTIES FOR ANY VIOLATIONS.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 1460 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY ADDING A SECTION

1460.30 TO READ IN ITS ENTIRETY AS FOLLOWS:

(A) DISABLED MOTOR VEHICLES REGULATED. NO PERSON SHALL PERMIT ANY DISABLED MOTOR VEHICLE, AS DEFINED TO BE PARKED, PLACED, OR ALLOWED TO REMAIN WITHIN THE CITY OF LANSING IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

(B) DISABLED MOTOR VEHICLES DEFINED.

(1) FOR THE PURPOSES OF THIS ORDINANCE,

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A DISABLED MOTOR VEHICLE IS DEFINED AS A MOTOR VEHICLE WHICH IS DISMANTLED, IN WHOLE OR IN PART, AND/OR WHICH IS MECHANICALLY UNABLE TO OPERATE AS THE RESULT OF A MECHANICAL DEFECT OR MALFUNCTION. A MECHANICAL DEFECT OR MALFUNCTION INCLUDES, BUT IS NOT LIMITED TO, ONE OR MORE DEFLATED OR MISSING TIRES, OR A VEHICLE RESTING ON SUPPORTS OTHER THAN INFLATED TIRES. THE ABSENCE OF MINOR AND NON-ESSENTIAL PARTS SUCH AS ANTENNAS, OR ORNAMENTS, HUB CAPS, ETC., SHALL NOT CAUSE A VEHICLE TO BE DEEMED DISMANTLED AND THUS DISABLED. ANY VEHICLE WHICH IS NOT CAPABLE OF BEING LICENSED FOR OPERATION ON THE RIGHTS OF WAY OF THE STREETS, ALLEYS, OR HIGHWAYS OF THE CITY SHALL BE DEEMED DISABLED.

(II) A VEHICLE WHICH IS MECHANICALLY UNABLE TO OPERATE IS PERMITTED TO BE STORED IN THE COMMERCIALLY ZONED AREAS OF THE CITY WHERE THE PROPERTY OWNER OPERATES A LICENSED VEHICLE REPAIR SHOP AND THE PROPERTY HAS ALL ZONING APPROVALS NECESSARY. ALL VEHICLES STORED IN ACCORDANCE WITH THIS SECTION REGARDING LICENSED VEHICLE REPAIR SHOPS MUST BE STORED IN COMPLETELY ENCLOSED BUILDINGS OR BEHIND FENCES IN ACCORDANCE WITH THE ZONING DISTRICT IN WHICH THE PROPERTY IS LOCATED.

(C) PROHIBITED ON STREETS. DISABLED MOTOR VEHICLES SHALL NOT BE PERMITTED ON THE RIGHTS OF WAY OF THE STREETS, ALLEYS, OR HIGHWAYS OF THE CITY, PROVIDED, HOWEVER, THAT THIS PROHIBITION SHALL NOT APPLY TO THE TOWING OR SIMILAR TRANSPORTATION OF SUCH VEHICLES; AND PROVIDED FURTHER, THAT THE REASONABLE TIME (NOT TO EXCEED 48 HOURS FROM THE TIME OF DISABILITY) SHALL BE PERMITTED FOR THE REMOVAL OR SERVICING OF THE DISABLED VEHICLE IN AN EMERGENCY CAUSED BY AN ACCIDENT OR SUDDEN BREAKDOWN OF THE VEHICLE.

(D) FRONT, SIDE OR REAR YARDS. DISABLED MOTOR VEHICLES OR ANY PARTS OF A MOTOR VEHICLE SHALL NOT BE PERMITTED IN THE FRONT, SIDE, OR REAR YARDS OF ALL PARCELS OF LAND IN THE CITY, UNLESS EXEMPT IN SECTION (B). DISABLED MOTOR VEHICLES OR PARTS OF MOTOR VEHICLES MAY BE KEPT IN AN ENTIRELY ENCLOSED GARAGE OR OTHER ENTIRELY ENCLOSED STRUCTURES; PROVIDED, HOWEVER, THAT THE TEARING DOWN, STRIPPING OR JUNKING OF A MOTOR VEHICLE SHALL NOT BE PERMITTED.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

SECTION 5. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1460.31; SALE OR TRANSFERENCE OF DWELLINGS WITH PREVIOUSLY IDENTIFIED CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1460.31; SALE OR TRANSFERENCE OF DWELLINGS WITH PREVIOUSLY IDENTIFIED CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBER LILLY (ABSENT FOR THIS VOTE)

ORDINANCE NO. 0941

AN ORDINANCE TO AMEND CHAPTER 1460 OF THE CODIFIED ORDINANCES, CITY OF LANSING, MICHIGAN BY ADDING A SECTION 1460.31 TO THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 1460 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE

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AMENDED BY ADDING SECTION 1460.31, TO READ IN ITS ENTIRETY AS FOLLOWS:

1460.31. TRANSFER OF OWNERSHIP.

(A) IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY DWELLING, OR PARTY IN INTEREST IN WHOSE NAME THE DWELLING PROPERTY APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS, WHO HAS RECEIVED A NOTICE OF VIOLATION AND ORDER FOR CORRECTION, OR UPON WHOM A NOTICE OF VIOLATION AND ORDER FOR CORRECTION HAS BEEN SERVED IN THE MANNER PROVIDED UNDER SECTION 1460.22(D), TO SELL OR TRANSFER THE DWELLING TO ANOTHER PERSON UNTIL THE PROVISIONS OF THE NOTICE OF VIOLATION AND ORDER FOR CORRECTION HAVE BEEN COMPLIED WITH, OR UNTIL SUCH OWNER, OR PARTY IN INTEREST IN WHOSE NAME THE DWELLING PROPERTY APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS SHALL FIRST FURNISH THE GRANTEE OR TRANSFEREE A COPY OF THE NOTICE OF VIOLATION AND ORDER FOR CORRECTION ISSUED BY AN AUTHORIZED ENFORCEMENT OFFICIAL, AND SHALL FURNISH TO THE ENFORCEMENT OFFICIAL A SIGNED AND NOTARIZED STATEMENT FROM THE GRANTEE OR TRANSFEREE ACKNOWLEDGING THE RECEIPT OF THE NOTICE OF VIOLATION AND ORDER FOR CORRECTION, AND FULLY ACCEPTING THE RESPONSIBILITY WITHOUT CONDITION FOR MAKING THE CORRECTIONS OR REPAIRS REQUIRED BY SUCH NOTICE OF VIOLATION AND ORDER FOR CORRECTION.

(B) FOR PURPOSES OF THIS SECTION, THE TERM "SELL OR TRANSFER" MEANS TO CONVEY ANY INTEREST IN A DWELLING IN ANY MANNER EXCEPT BY LEASE, MORTGAGE, GIFT, DEVISE, BEQUEST, OR LIEN FORECLOSURE. THE SALE OR TRANSFER SHALL BE DEEMED TO OCCUR UPON THE TRANSFER OF TITLE, THE EXECUTION OF A LAND CONTRACT, OR THE EXERCISE OF AN OPTION TO PURCHASE A DWELLING.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

SECTION 5. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1460.98 AND AMENDING SECTION 1460.99; HOUSING CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1460.98 AND AMENDING SECTION 1460.99; HOUSING CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, JONES, NOVAK

NAYS: COUNCILMEMBER LILLY (ABSENT FOR THIS VOTE)

ORDINANCE NO. 0942

AN ORDINANCE TO AMEND CHAPTER 1460 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN BY ADDING A SECTION 1460.98 AND BY AMENDING SECTION 1460.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 1460 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY ADDING A SECTION 1460.98, TO READ IN ITS ENTIRETY AS FOLLOWS:

1460.98. AUTHORIZED CITY OFFICIAL.

ALL CODE COMPLIANCE OFFICERS ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

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SECTION 2. THAT SECTION 1460.99 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING BE AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

1460.99. PENALTY.

(A) MUNICIPAL CIVIL INFRACTION. A PERSON WHO VIOLATES ANY PROVISION OF CHAPTER 1460, EXCEPT SUBSECTIONS 1460.23(C)(2) OR 1460.24(B), IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE.

(B) MISDEMEANOR. A PERSON WHO VIOLATES ANY PROVISION OF SUBSECTIONS 1460.23(C)(2) OR 1460.24(B) IS RESPONSIBLE FOR A MISDEMEANOR, SUBJECT TO PENALTIES AS PROVIDED BY SECTION 202.99(B) OF THIS CODE.

SECTION 3. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 4. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

SECTION 6. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1610.98 AND AMENDING SECTION 1610.99; FIRE CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW SECTION, SECTION 1610.98 AND AMENDING SECTION 1610.99; FIRE CODE VIOLATIONS, TO THE CODE OF ORDINANCES, CITY OF LANSING, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBER LILLY (ABSENT FOR THIS VOTE)

ORDINANCE NO. 0943

AN ORDINANCE TO AMEND CHAPTER 1610 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING BY ADDING A SECTION 1610.98 AND BY AMENDING SECTION 1610.99 OF THE CODE OF ORDINANCES, CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE AMENDED BY ADDING A SECTION 1610.98, TO READ IN ITS ENTIRETY AS FOLLOWS:

1610.98. AUTHORIZED CITY OFFICIAL. THE FIRE MARSHAL AND ALL FIRE INSPECTORS ARE DESIGNATED AS THE AUTHORIZED CITY OFFICIALS TO ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS (DIRECTING ALLEGED VIOLATORS TO APPEAR IN COURT) OR MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES (DIRECTING ALLEGED VIOLATORS TO APPEAR AT THE CITY OF LANSING MUNICIPAL ORDINANCE VIOLATIONS BUREAU) AS PROVIDED BY THIS CODE.

SECTION 2. THAT SECTION 1610.99 OF THE CODE OF ORDINANCES OF ,THE CITY OF LANSING BE AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:

1610.99. PENALTY.

(A) MUNICIPAL CIVIL INFRACTION. A PERSON WHO VIOLATES ANY PROVISION OF CHAPTER 1610, EXCEPT SECTION 1610.02(103.4.4) [U.F.C. SECTION 103.4.4], IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION, SUBJECT TO PAYMENT OF A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(C)(2) OF THIS CODE.

(B) MISDEMEANOR. A PERSON WHO VIOLATES ANY PROVISION OF SECTION 1610.02(103.4.4) [U.F.C. SECTION 103.4.4] IS RESPONSIBLE FOR A MISDEMEANOR, SUBJECT TO PENALTIES AS PROVIDED BY SECTION 202.99(B) OF THIS CODE.

SECTION 3. ALL ORDINANCES, RESOLUTIONS OR RULES,

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PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 4. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 5. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

SECTION 6. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER BENAVIDES; A RESOLUTION AUTHORIZING NON-PROFIT STATUS RECOGNITION FOR "FRIENDS OF PEOPLE WITH CEREBRAL PALSY"

HANDLED AS RESOLUTION # 087

2. FROM COUNCILMEMBER BENAVIDES; A RESOLUTION OF TRIBUTE TO UAW LOCAL #652 HONORING THEIR BLACK HISTORY MONTH CELEBRATION

HANDLED AS RESOLUTION #088

3. FROM COUNCILMEMBER ALLEN; A LETTER FROM DANA TOWSLEY, TREASURER OF THE BOARD OF WATER & LIGHT, SUBMITTING A COMPETITIVE ASSESSMENT BY STANDARD & POOR REGARDING THEIR FINANCIAL STANDING

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

4. FROM COUNCILMEMBER LEEMAN; A LETTER FROM THE PLANNING & NEIGHBORHOOD DEVELOPMENT DEPARTMENT REGARDING HIS INQUIRY ABOUT REZONINGS IN THE RIVERPOINT NEIGHBORHOOD

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5. FROM COUNCILMEMBER LEEMAN; A LETTER FROM THE NORTH LANSING COMMUNITY ASSOCIATION REQUESTING REZONING OF THE 1300 AND 1400 BLOCKS OF THE W. SIDE OF CENTER ST. FROM "H" LIGHT INDUSTRIAL TO "C" RESIDENTIAL DISTRICT

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6. FROM COUNCILMEMBER LEEMAN; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADDITION OF A SPECIAL CEREMONY PRESENTATION BY INGHAM COUNTY DRAIN COMMISSIONER LINDEMANN WITH REGARD TO THE TOLLGATE DRAIN, FAIRVIEW PARK, GROESBECK GOLF COURSE PROJECT

THE RULES WERE SUSPENDED AND COMMISSIONER LINDEMANN MADE A PRESENTATION DURING SPECIAL CEREMONIES

7. FROM COUNCILMEMBER BEAL; A REQUEST THAT ITEM XI E-1, RESOLUTION APPROVING TRANSFER OF FUNDS, BE CORRECTED TO STATE THAT THE SCOTT WOODS BRIDGE TRANSFER IS COMING FROM ACCOUNT #412-933890-992000-46020 AND GOING TO ACCOUNT #412-933890-97400-46065

SEE RESOLUTION #065

PUBLIC COMMENTS

GARY MANTHEI OF 921 W. OAKLAND REPORTED ATTENDING THE DADDY/DAUGHTER DANCE AT THE LANSING CENTER WITH HIS DAUGHTER AND HIS FATHER. HE THANKED THE CITY FOR SCHEDULING THESE KIND OF ACTIVITIES. UNFORTUNATELY, HE SAID, WHILE HE WAS GONE TO THE RESTROOM, HIS FATHER SUFFERED A FATAL HEART ATTACK. HE COMMENDED THE CITY'S EMERGENCY SERVICES PERSONNEL THAT RESPONDED TO THE 911 CALL.

HASNA GEMPEL OF 1526 KNOLLWOOD AVE. RELATED A SITUATION INVOLVING HER RESIDENTIAL PROPERTY AND THE BUILDING SAFETY DEPARTMENT AND CITATIONS THEY ISSUED TO HER WHEN SHE WAS GONE ON VACATION IN 1993. THE FINES FROM THIS CITATION NOW EXCEED $2,000, ADDITIONALLY, THE CONTRACTOR HIRED BY THE CITY STOLE ITEMS OF VALUE AND MATERIALS FROM HER PROPERTY.

LLOYD TEETS OF 116 E. ELM ST. COMMENDED COUNCILMEMBER LEEMAN FOR HIS HANDLING OF THE PUBLIC SERVICES COMMITTEE MEETING LAST WEEK AND SAID THAT HE HAD A SITUATION SIMILAR TO THE ONE DESCRIBED BY THE PREVIOUS SPEAKER. HE WENT ON VACATION LAST YEAR AND IN HIS ABSENCE THE BUILDING SAFETY DEPARTMENT HIRED A CONTRACTOR TO HAUL A REFRIGERATOR BELONGING TO ONE OF HIS TENANTS. THIS EXPERIENCE COST HIM OVER $300. HE READ A PORTION OF THE MINUTES OF A MEETING OF THE AD HOC STORMWATER UTILITY COMMITTEE.

PAUL SCOTT OF 412 W. KILBORN ADDED HIS COMPLIMENTS TO COUNCILMEMBER LEEMAN FOR THE MANNER IN WHICH LAST WEEKS PUBLIC SERVICES COMMITTEE MEETING WAS CONDUCTED. HE INVITED EVERYONE TO A FUND RAISING DINNER FOR "PEOPLE UNITED TO LEAD LANSING" ON FEBRUARY 23, 1996. TICKETS ARE $5.00 PER PERSON. HE STATED HIS OPPOSITION TO THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES).

WILLIAM HUBBELL OF 1827½ W. HOLMES RD..

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ASSURED COUNCILMEMBERS THAT THE COUNCIL CHAMBERS SOUND SYSTEM WORKS JUST FINE. HE THANKED THEM FOR PASSING THE MUNICIPAL CIVIL INFRACTION ORDINANCES.

ED SIMMER OF 2609 DIER REPORTED A PROBLEM WITH PEOPLE DUMPING TRASH, MATTRESSES AND APPLIANCES AT THE CSX RAILROAD TRACKS ON JOLLY RD.. HE ASKED THAT THE ADMINISTRATION DO SOMETHING TO CORRECT THIS SITUATION.

COUNCILMEMBERS COMMENTS

COUNCILMEMBER BAUER REPORTED ON THE EVENTS SHE ATTENDED DURING THE LAST WEEK, INCLUDING THE EVERETT HIGH SCHOOL BLUE RIBBON AWARD CEREMONY, THE BEA CHRISTY AWARD DINNER AND THE MSU COMMUNITY SERVICES AWARD CEREMONY.

COUNCILMEMBER BEAL CONGRATULATED GARY ESTES ON WINNING THE BEA CHRISTY AWARD. SHE THANKED THE PARKS AND RECREATION DEPARTMENT FOR THE WORK THEY HAVE DONE THIS YEAR ON THE UPKEEP OF THE OUTDOOR ICE SKATING RINKS. SHE CONFIRMED THE REGULARLY SCHEDULED MEETING OF THE WAYS AND MEANS COMMITTEE THIS WEDNESDAY AT 4:00 P.M.

COUNCILMEMBER NOVAK ANNOUNCED A MEETING OF THE AD HOC HOUSING COMMITTEE THIS WEDNESDAY AT 6:30 P.M. HE SENT HIS CONDOLENCES TO MR. MANTHEI ON THE DEATH OF HIS FATHER, WHO WAS A GREAT COMMUNITY ACTIVIST. HE WILL BE SORELY MISSED.

COUNCILMEMBER LEEMAN ANNOUNCED THAT THE GIER PARK CONCESSIONS BUILDING AND A TOUR OF THE CITY HALL GARAGE WILL BE ON THE AGENDA FOR THE NEXT PUBLIC SERVICES COMMITTEE MEETING AND THE CAMP HIGHFIELDS REZONING REQUEST WILL BE ON THE AGENDA FOR THE NEXT DEVELOPMENT AND PLANNING COMMITTEE MEETING.

COUNCIL PRESIDENT JONES CRITICIZED THE STATE JOURNAL BECAUSE THEY "USED CONTRIVED CRITERIA IN THEIR REPORT ON PROPERTY ASSESSMENTS" IN TODAY'S NEWSPAPER.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

MR. WIENER REPORTED THAT PROPERTY TAX ASSESSMENT NOTICES WERE MAILED OUT TODAY. THE MAXIMUM INCREASE WAS 2%.

ADJOURNED 11:40 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS FEBRUARY 26, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmember Allen (arrived 7:06 P.M.)

The Invocation and Pledge of Allegiance were led by Reverend Michael Murphy of St. Stephens Community Church

APPROVAL OF MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of June 19, 1995

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter from Marilyn Frayre regarding the need for assessment of the Lansing Public Library

2. From Councilmember Allen; a letter from Flora J. Bollman regarding Hiring Practices in the Lansing Fire Department

SCHEDULED PUBLIC HEARINGS

A. In Consideration of Z-16-95, 2700-3328 Trappers Cove Trail and Vacant Land in the 2900 Block Dunckel Rd., Petition for Rezoning from C.U.P. to "DM-1" Residential and from C.U.P. to "F" Commercial District, filed by Martin Property Development, Inc. to allow for Construction of a Commercial Building on the Dunckel Rd.. Property while Bringing the Trappers Cove Trail Properties into Conformance with the Current Zoning Ordinance

Dolores Maidlow-Kramer of 2806 Forest Rd.. stated her opposition to this rezoning.

Bretta Bucklin of 3035-2A Trappers Cove stated that she has seen a lot of changes in the 4½ years she has lived in this area. She opposes this rezoning because of increasing development in the area. There are protected wetlands in this area now, as well as two ponds that would be destroyed if the rezoning is approved. The traffic management in this area is not effective and additional development would worsen an already bad situation.

Elaine Chittendon of 2517 E. Cavanaugh stated her opposition to this proposed rezoning because it would destroy the wetlands. She could support the rezoning, if it were conditioned upon the preservation of the wetlands, however, she has received a legal opinion from the City's Planning Office saying that conditional rezonings are not legal.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In Consideration of Z-17-95, 318 & 320 Beaver St. and 1425 Center St., Petition for Rezoning from "H" Light Industrial to "C" Residential District, filed by Henry Riley to allow for continuing residential uses of 320 Beaver and 1425 Center St. while removing the structure at 318 Beaver St.

There were no speakers for this public hearing.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

Alexander Bolt of 1230 Reo Rd.., on behalf of "Citizens to Abolish the Rain Tax" (CARTO) said that they have received a copy of the Michigan Clean Water Act, the Stormwater Enterprise Ordinance, a copy of the Report of the Stormwater Enterprise Fund Ad Hoc Committee,

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and a copy of the report by McNamee Porter and Seeley. He read Item VII E., a letter from him issuing a Statement of Cause and Intent by CARTO.

Francisco Lopez of 1030 Ontario paid honor to the memory of Cipriano Torres, Jr. and spoke regarding the death of Edward Swans while in the custody of the Lansing Police Department.

Winston A. Felton II of 322 W. Maple St. spoke regarding the death of Edward Swans. He called for the release of the video tape of the struggle between Mr. Swans and Police Personnel who were trying to subdue him taken at the Lansing Police Department Detention Center. He called for the closing of Sparty's Night Club.

Frank Curtis 'X', no address listed, spoke regarding the death of Edward Swans. He predicted that the Black community will have no alternative except to arm themselves, if this type of abuse continues. The biblical approach is not working anymore.

Cheryl Ash of 216 Westmoreland said that she is here tonight to show her support to the families of Mr. Bell and Mr. Swans. She inquired as to the consequences to the Police Officers involved in the Swans incident.

Sharon Watson of 3937 Gilford Cr. said that she is a member of Friendship Baptist Church and is here tonight to protest the death of Mr. Swans while in the custody of LPD. She accused the coroner of making a biased statement in favor of the Police Department. She recommended that the officers involved in this incident be suspended without pay pending the outcome of a complete investigation.

Lloyd Teets of 116 E. Elm St. spoke regarding his opposition to the 'Rain Tax' (Stormwater Enterprise Fund fees).

Leonard Nealy of 6025 Daft spoke regarding the death of Mr. Swans and the surrounding circumstances. In his opinion there are too many peculiarities in this case. Reportedly Mr. Swans was in the downtown area prior to the night of his death. The circumstances of his previous visit should have told police that he had a problem and possibly should not have been jailed on the incidence of his second ocurrence, but, taken to St. Lawrence Hospital.

Reverend Michael Murphy of St. Stephens Community Church at 1420 W. Oakland said that Mr. Swans was not a homeless man. He was not a threat to this community. He was a family man who was well known in the area. The fact that his death was accidental does not absolve the LPD from responsibility for it. He urged the Ingham County Prosecutor to take this matter seriously. He requested that the video tape of the attempts by police to restrain Mr. Swans be released for public viewing prior to it being censored, cut, or edited in any way. He called for an investigation of this matter and asked for a report from the Board of Police Commissioners and from the Human Relations Board and from the Police Community Relations Board.

Reverend Bobby Bean, Pastor of the True Life Baptist Church at 1147 W. Maple St. said that he is not satisfied with the coroner's findings with respect to the death of Mr. Swans. He does not accept the pronouncement of accidental death from the coroner. He asserted that the Lansing Police Department has a history of treating black men unfairly. He wants answers to the questions that have been raised tonight.

Apachu Maiz of 618 Bainbridge accused the media of misrepresenting the number of times that Lansing Police discharged their weapons in the Cipriano Torres incident. He accused Mayor Hollister of keeping Chief Boles as Chief of Police for political expediency.

THE FOLLOWING PEOPLE APPEARED AND SPOKE IN SUPPORT OF THE TWO PROPOSED CIVIL RIGHTS ORDINANCES:

- Del Maynard of 2017 Culver
- Lynne Martinez, State Representative 69th District
- Anne Smiley, Chair of the Ad Hoc Committee of the Human Relations Advisory Board
- Jim Phillips of the Lansing Equal Rights Task Force
- Mr. VanDerKerkhove, no address listed
- David Kimball of 1515 W. Kalamazoo
- Cherryl VanDerKerkhove of 303 S. Holmes
- Steve Ostrander
- Judy Hackett of 625 N. Pennsylvania
- Andrew Farmer of 1610 Todd
- Martha Kwant of 421 N. Fairview

THE FOLLOWING PEOPLE APPEARED AND SPOKE IN OPPOSITION TO THE TWO PROPOSED CIVIL RIGHTS ORDINANCES:

- Camille Abood on Behalf of 25,00 Lansing area Catholics

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- Jennifer Schans on behalf of the Rutherford Institute who will institute legal proceedings if the ordinances are adopted
- Bernie Meissner of 635 LaSalle on Behalf of the Majority Opposed to Special Treatment (MOST)
- Brent Boles, Pastor of New Grace Tabernacle Church
- Tom Valli of 805 Hamilton Ave.
- Tom Hruska of 2414 Newport
- Bob Carerra of 4006 Wildwood
- William Hubbell, 1827½ W. Holmes Rd..
- Clyde Smith of 2244 Tecumseh River Dr.
- Michael Ivey of 818 N. Chestnut

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from the Lansing Branch of the N.A.A.C.P., the Black Pastors of Lansing, the Pastors Conference of Greater Lansing and People United to Lead Lansing requesting that City Council investigate the situations surrounding the death of Mr. Edward Swans while in the custody of the Lansing Police Department

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SAFETY

B. Letter from Senator Dianne Byrum of the 25th Senate District in Ingham County, Regarding the availability of Grants for the celebration of Arbor Day

RECEIVED AND PLACED ON FILE

C. Letter from the State of Michigan Department of Commerce regarding additional changes they require to P-01-95, Oakwood Executive Park Plat

REFERRED TO THE MAYOR

D. Letter from Boubpha Ounsombath of MeKong Restaurant of 151 Center St. requesting designation of the City of Lansing's remaining free Class C Liquor License for use at her restaurant

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

E. Letter from Alexander Bolt of 1230 Reo Rd... issuing a Statement of Cause and Intent by Citizens to Abolish the Rain Tax Ordinance (CARTO)

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

F. Letter from Attorneys filing a claim on behalf of Martha Amore

REFERRED TO THE CITY ATTORNEY

G. Letter from Chief Judge Paula J. Manderfield of 54-A District Court regarding the need for a Consolidated Courts Facility

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

H. Letter from Jeffrey F. Wood of 1018 W. Lapeer in opposition to the two proposed Civil Rights Ordinances

REFERRED TO THE COMMITTEE OF THE WHOLE

I. Letter from Darryl Burgess of 1407 Prospect St. regarding the disposition of the proceeds from the sale of the Civic Arena

REFERRED TO THE MAYOR

J. Letter from Bishop Mengeling of the Catholic Diocese of Lansing requesting consideration of three questions in deliberation of the two proposed Civil Rights Ordinances

REFERRED TO THE COMMITTEE OF THE WHOLE (Read into the Record at the Request of Councilmember Benavides; see below)

Council President Howard Jones and
Members of the Lansing City Council
10th Floor, City Hall
Lansing, MI 48933

Dear Councilmembers:

As the new Bishop of the Diocese of Lansing, it is a pleasure to express my appreciation to you and the members of City Government and its departments, for many courtesies extended prior and subsequent to the installation January 25, 1996.

One of the privileged rights of all citizens in a democratic society is the candid expression of views concerning pending legislation which

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impacts on our society. Because we share compelling responsibilities for our community, I as Bishop of the Diocese of Lansing, present the Church's views and invite your consideration as you deliberate on the proposed Civil Rights Ordinance.

The Catholic Church upholds and teaches the full and legitimate civil rights of each individual. The Church teaches that a homosexual orientation in itself is not immoral and that hatred and violence directed to a homosexual person is sinful and wrong. Discrimination against any individual because of sexual orientation is an offense against human dignity. Such conduct is reprehensible and repugnant in a civil society. True to our mission of sanctifying and healing, the Church offers the gay and lesbian children of God the same pastoral concern and compassionate response it does to everyone.

For more than 200 years there has been a prevailing and overwhelming American consensus about marriage. Deep in the American psyche, marriage is always linked with the generational dimension: procreation of children.

Heterosexual marriage is the cultural consensus of the vast majority irrespective of ethnic, racial, religious, political or regional components. The linkage between marriage and the generational is culturally celebrated in our poetry, literature, art, music and drama.

The Roman Catholic Church consistently teaches that marriage is a freely accepted loving union of a man and woman in a communion of mutual love open to the procreation and education of children. This is also the position of most Christian denominations and the Jewish and Muslim faiths.

To apply the term *'marriage'* to a loving relationship between two persons of the same sex for whom the generational dimension is impossible (incapable of conceiving children), does violence to and radically alters our consistent understanding of marriage. We cannot equate a homosexual partnership with a heterosexual marriage.

Please consider these questions as you strive to reach a wise and prudent decision for the common good.

1. Will the institution of marriage and the family be weakened and even undermined?

2. Is a person's sexual activity a sufficient reason for treating that person in a way different from other citizens, i.e., a protected class status?

3. Does this legislation communicate to our youth that extra-marital relationships are the moral and legal equivalent of marriage and the family?

I implore this Council to provide the leadership which will protect the God-given rights of marriage and the family, which provides the natural and optimum framework for our children to develop self esteem as well as love and respect for others.

With esteem and gratitude,

Carl F. Mengeling
Bishop of Lansing

pc Mayor David Hollister
James D. Smiertka

MAYOR'S COMMENTS

Mayor Hollister had no comments at this time

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Transfer Ownership 1995 Class B-Hotel Licensed Business with Dance Entertainment Permit for K Z Management Services, Inc. (Days Inn Lansing - South)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. 1995 Annual Reports submitted from City Board's and Authorities

1. River and Waterfront Board
2. Board of Zoning Appeals

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3. Electrical Board
4. Mechanical Board

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Resignation of Liz Dotzlof from the Recycling Board

RECEIVED AND PLACED ON FILE

2/ Change of Intent; Parks & Recreation, Swimming Pool Liners

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Letter of support for the Proposed Teen Home at 223 S. Pennsylvania (SLU-14-95, Camp Highfields Residential Care Facility)

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ Transfer of Funds; Public Service Dept., LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Lansing Regional Sister Cities Mid-Year Report

RECEIVED AND PLACED ON FILE

ROUTINE MATTERS FOR ACTION

RESOLUTION #089
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Council Resolution #247 of May 16, 1994, states how revenues from Softball Surcharge Proceeds are to be handled; and

WHEREAS, the Park Board reviewed and approved the following projects at their November 15, 1995, meeting; and

WHEREAS, the Mayor concurred and referred the projects for approval; and

WHEREAS, a report from Parks and Recreation to evaluate the concession stand and electrical problems is pending; and

WHEREAS, Public Service Department's Building Maintenance Section determined they do not have the time nor expertise to complete these projects prior to the beginning of the ball season; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby approves the following expenditures from designated accounts:

Ballfield Development Projects (revenue generated from the $5 player fee) Expenditure Account 410-933890-970000-13023.

Replace and repair the Gier ballfield light switches. $9,950.00

Hire an electrical consultant to advise us on a cost effective means of reducing lightning strikes to the ballfield lighting. $2,500.00

BE IT FURTHER RESOLVED, the Consultant's report will be brought back to Council for review prior to implementation.

By Councilmember Beal

Carried unanimously

COUNCIL PRESIDENT JONES CALLED FOR A 10 MINUTE RECESS OF THIS SESSION OF THE LANSING CITY COUNCIL.

The meeting recessed at 9:10 P.M. and reconvened at 9:20 P.M.

COMMITTEE OF THE WHOLE DISCUSSION

By Councilmember Beal

That the Council Do Now Resolve Itself into a Committee of the Whole to Consider:

A. City Market Dedicated Park Land Report from City Attorney Smiertka

City Attorney Smiertka gave a report on the proposed City Market Site Ordinance. Copies of his findings are available in the packets for tonight's meeting.

B. Proposed Amendments to Chapter 296 & 297, Civil Rights Ordinances

Councilmember Novak stated that the intent of these ordinances is to address discrimination in the City of Lansing with regard to employment, public accommodation and housing; on the basis of race, color, age, sex, height, weight, and

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other classifications. There are no domestic partnership benefits to anyone nor does it require them to be extended. Nothing in the ordinances makes any reference to incest or pedophilia, nor legalizes them in any manner. The City of East Lansing has an ordinances similar to these and there have been no cases in E. Lansing that address any of the issues that people are suggesting tonight. He questioned the City Attorney with regard to the existence of any Court rulings in the U.S. that these ordinances or statutes are unconstitutional, or that they violate the Religious Freedom of Restoration Act. Mr. Smiertka responded in the negative.

Councilmember Novak proposed several changes to the language of the two ordinances and asked that the City Attorney incorporate them. (The text of these changes is available in the packet of supporting documentation for this meeting)

Councilmember Lilly stated his objection to both of these ordinances. He read a statement made by the Supreme Court in their consideration of protected rights based on sexual orientation. He stated that the Federal Religious Freedom of Restoration Act supersedes the State of Michigan Elliot Larson Civil Rights Act.

Councilmember Benavides suggested that the City Attorney provide Councilmembers with a new, revised legal opinion based on the amendments requested by Councilmember Novak tonight. He cautioned Councilmembers to remind themselves of their legal responsibilities, and the consequences involved, regardless of the way they intend to vote on this issue.

Councilmember Novak spoke regarding the issue of the rights of gay men and lesbian women to engage in sodomy and whether or not they constitute a group of people that rise to the level of suspect or quasi-suspect classifications. There are over 100 statutes and ordinances in the country that prohibit discrimination on the basis of sexual orientation, and none of them has been challenged, he said. The Supreme Court has said that provisions like these are well within the States power to enact, when the state has reason to believe that a group is the target of discrimination. The public, on both sides of this issue, deserves to have City Council vote on the ordinances. He proposed that Council set a specific time to vote on this issue.

Councilmember Lilly pointed out that the Supreme Court said that provisions like these are within the "STATES" Power to enact.

By Councilmember Beal that the two civil rights Ordinances be scheduled on the Agenda for Passage on March 18, 1996

Carried unanimously

C. Approval of Committee of the Whole Minutes of April 22, May 13, November 30, December 11, December 14, 1995 and of January 8, February 5, February 8, and February 12, 1996

By Councilmember Beal

That the above listed minutes of the Committee of the Whole meetings be approved

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Leeman dissenting)

D. Baseball Facilities Convention Report

Councilmember Lilly gave the Baseball Facilities Convention Report. He said that only 8 convention centers in the U.S. operate at a profit, and all of the eight are privately owned. Not one, single, government owned convention center operates at profit. There is a huge glut of convention space and operators must have someone who knows the industry very well just to break even. He urged his colleagues to keep this in mind during the budget hearings. The odds are overwhelmingly against the Lansing Center to break even, because of the number of facilities that are out there. He reported that in the first six months of merchandising, the Lugnuts have sold over $700,000 and turned over in excess of $150,000 worth of ticket sales to the City.

E. Review of Consent Agenda Items for Monday, March 4, 1996

By Councilmember Lilly

That the list of consent agenda items be held over for review at the Committee of the Whole meeting scheduled for Monday, March 4, 1996 at 6:10 P.M.

Carried unanimously

By Councilmember Beal

That the Committee of the Whole Do Now Rise

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Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a letter from Marilyn Frayre regarding the need for assessment of the Lansing Public Library

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

2. From Councilmember Allen; a letter from Flora J. Bollman regarding Hiring Practices in the Lansing Fire Department

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENTS

Reverend Lester Stone of Friendship Baptist Church called for a public viewing of the Police Video showing the struggle between Lansing Police Officers and Mr. Edward Swans. He asked when this issue would be scheduled on a Public Safety agenda. Councilmember Allen responded that they would take this up next Tuesday at 3:00 P.M.

Mr. Wiener, Executive Assistant to the Mayor, said that this video is in the hands of the Ingham County Prosecutor, who is reviewing the entire case and will make a ruling as to whether there were any criminal actions by police officers. The video will be released in a matter of weeks, following his investigation. He added that part of the struggle that was not covered by the video was the portion of the encounter outside of the cell when Mr. Swans was being booked and patted down. This unfortunate situation is a great tragedy for the whole city, for the black community and for the Police Department. It is always a tragedy for the public when they cannot trust City Officials or their police. We must deal with this situation for the sake of the entire community. We must understand what has happened and know the truth for all of our sake. It is the greatest desire of this administration to know what happened that night, what was wrong, and how to correct it. This administration is not served by trying to cover anything up and that is the last thing they would try to do.

Clyde Smith of 2244 Tecumseh River Dr. spoke regarding the 54-A District Court Judges and personnel receiving gifts from the people they do business with. He thanked Councilmember Lilly for his comments on the Civil Rights ordinances. He called on the gay community to produce 25 pieces of documentation showing incidences of discrimination. That is the only way the public will ever believe them.

Tyler Sumerix of 1121 W. Ionia objected to the City of Lansing getting a farm team from the Kansas City Royals.

Kate Durda of 3415 W. Needmore in Charlotte said that there is documentation to prove discrimination against homosexuals. She urged Councilmember to count hate crimes.

Lloyd Teets of 116 E. Elm St. spoke regarding the two proposed Civil Rights Ordinances.

Harold King of 1563 N. High spoke in support of the two proposed civil rights ordinances.

Chad Hutchinson of 517 N. Pine said that the civil rights ordinances do not address behaviors. They address orientation. Sexual orientation is not a preference, not a choice. Discrimination of this type is hard to document. He has been the target of this kind of discrimination in the form of an eviction and name calling.

Cheryl VanDeKerkhove of 303 S. Holmes thanked Council for scheduling a vote on these ordinances on March 18. She reported attending the Human Relations Board Dinner last Thursday night, at which the Mens Glee Club performed. One of the young men in the glee club reported being tormented, on a daily basis, because of his orientation. She, herself, has been refused jobs, housing and service in restaurants because she is a gay woman.

Marge Ojibway of 310 Seymour Ave. read a definition of sodomy from a dictionary. This practice has been illegal since the 1600's.

Paul Scott of 412 W. Kilborn, Vice Chair of the Tri County Regional Planning Commission reported learning that Kolt & Serkaian were paid $3,200 to produce the State of the City Address. He objects to this use of funds. That money could have been better spent by funding kids camps rather than making a big production out of the State of the City.

Martha Kwant of 421 N. Fairview spoke in support of the requests for full investigation of the circumstances surrounding the death of Edward Swans. She reported that she has lost housing three different times because of her sexual orientation. She has had her automobile

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VANDALIZED, AND HAS BEEN THREATENED THAT SHE WOULD LOSE HER JOB.

CHRISTINE SMITH OF 2244 TECUMSEH RIVER RD.. CRITICIZED COUNCILMEMBER BEAL AND AUDIENCE MEMBERS FOR BRINGING CITY ATTORNEY SMIERTKA'S IMPARTIALITY ON THE CIVIL RIGHTS ISSUE INTO QUESTION. SHE BELIEVES THAT HE HAS ALWAYS BEEN IMPARTIAL. SHE SPOKE IN SUPPORT OF THE CONCEPT OF A CONSOLIDATED COURT SYSTEM AND OF THE CREATION OF A WORLDWIDE WEB PAGE FOR LANSING CITY GOVERNMENT TO INCLUDE THE CODE OF ORDINANCES.

JOHN TELLIER OF 914 N. SYCAMORE SPOKE IN OPPOSITION TO THE TWO PROPOSED CIVIL RIGHTS ORDINANCES.

COUNCILMEMBERS COMMENTS

COUNCILMEMBER BAUER CONFIRMED THE SCHEDULED MEETING OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE TOMORROW AT 4:00 P.M. WITH REPRESENTATIVES OF THE LANSING SCHOOL BOARD AT EASTERN HIGH SCHOOL, THEY WILL DISCUSS AREAS OF MUTUAL CONCERNS.

COUNCILMEMBER LILLY CONFIRMED THE REGULARLY SCHEDULED MEETING OF THE DEVELOPMENT AND PLANNING COMMITTEE TOMORROW MORNING AT 11:45 A.M.

COUNCILMEMBER ALLEN CONFIRMED THE REGULARLY SCHEDULED MEETING OF THE PUBLIC SAFETY COMMITTEE MEETING TOMORROW AT 3:00 P.M. SHE WILL NOT BE PRESENT AT THE MEETING, HOWEVER, COUNCILMEMBER LEEMAN WILL CONDUCT THE MEETING IN HER ABSENCE.

COUNCILMEMBER LEEMAN ANNOUNCED THAT THE PLANNING AND DEVELOPMENT COMMITTEE HAS PULLED THE CAMP HIGHFIELDS REZONING REQUEST FROM THEIR AGENDA ONCE AGAIN.

COUNCIL PRESIDENT JONES THANKED STAFF MEMBERS RON ONUFER AND KAREN SCHMIDT FOR HELPING TO KEEP TONIGHT'S MEETING RUNNING SMOOTHLY.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

MR. WIENER ANNOUNCED THAT MAYOR HOLLISTER WILL CONDUCT A TOWN MEETING THIS WEDNESDAY, FEBRUARY 28, 1996 FROM 5:30 TO 7:30 P.M. THE TOPIC FOR DISCUSSION WILL BE PREPARATION OF THE COMING FISCAL YEAR BUDGET WHICH WILL BE PRESENTED TO CITY COUNCIL AT THE END OF MARCH. THE PUBLIC IS WELCOME AND ENCOURAGED TO ATTEND THE MEETING, OR TO CALL IN WITH THEIR QUESTIONS AND COMMENTS. DEPARTMENT HEADS WILL BE AVAILABLE TO ANSWER QUESTIONS.

ADJOURNED 11:20 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS MARCH 4, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmember Allen (arrived 7:06 P.M.)

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a Resolution of Tribute to Phillip & Patricia Owens

2. From Councilmember Benavides; a letter from Community Policing Officer Todd C. Bleak requesting the donation of funding and time to the 1996 Lansing 911 Football Classic

3. From Councilmember Benavides; a letter from Lucile Belen regarding the dedication of the Lucile Belen Ballroom at the Lansing Center

4. From Councilmember Allen; a letter from David Russell of 112 E. Claremore Dr. regarding the disposition of Board of Water & Light property

5. From Councilmember Allen; a letter from Charles Swinehart of 4409 Devonshire Ave. regarding a release of claim agreement

6. From Councilmember Lilly; a letter from Attorney General Frank Kelly declining to issue an opinion on the Stormwater Enterprise Fund Ordinance

7. From Councilmember Beal; a Resolution authorizing the City Attorney to file an appeal of the Court Ordered Judgement in the matter of Stephen W. Duarte v City of Lansing, et al

8. From Councilmember Beal; a letter from State Representative Lynne Martinez regarding the two proposed Civil Rights Ordinances

9. From Councilmember Leeman; a Resolution of Tribute to Sparrow Hospital honoring the occasion of their 100th Anniversary

10. From Councilmember Novak; a resolution appropriating funds for the Spring Fling Event at the Lansing Center

SPECIAL CEREMONIES

A. Mayor Hollister, along with Councilmembers Allen, Jones and Lilly presented a Proclamation Honoring Everett High School for being designated as a "Blue Ribbon High School" to Dr. Richard Halik, Superintendent of Lansing Schools and Dale Glynn (current principal) and Gary Bredahl, (former Principal) of Everett as well as to Representatives of Everett's Teaching Staff.
Mayor Hollister noted that this tribute was given at the request of Michael Hughes, Senior Class President at Everett. President Jones announced that Everett will also be honored at a reception at the White House.

PUBLIC HEARINGS

A. In consideration of Z-18-95, 2708 through 2816 S. Washington Ave., request for rezoning from "A" Residential to "D-1" Professional Office Districts filed by Michael Hourani to allow for the construction of a Medical Office Building and Associated Parking and the vacation of Willard Ave. W. of Washington

Emly Horne of 110 W. Hodge spoke in opposition to the rezoning request. She stated that her objective is to protect good housing stock in the City of Lansing. Neighborhoods, she said, need residential houses to be good neighborhoods and cities need good neighborhoods in order to be good cities.

George Abraham of 222 Strathmore spoke in support of this rezoning request. He said that the homes in this area would not be destroyed, they would be moved to other locations. The proposed development at this site will contribute towards Lansing's goal of becoming a "World Class City" by offering "state of the art" dialysis services and equipment. This site

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was chosen because of it's proximity to Michigan Capital Medical Care Center.
REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In consideration of Z-20-95, SW Corner of N. Pennsylvania Ave. and May St. Request for Rezoning from "D-1" Professional Office to "F" Commercial District, filed by Gerald J. Rowley to allow for construction of a multi tenant commercial building to include a laundry, barbershop and retail space

Gerald Rowley of 737 N. Pennsylvania Ave. spoke in support of his request for rezoning. He submitted copies of a petition in support of his request signed by 64 residents in this area, as well as photographs of the area.

Councilmember Leeman urged the petitioners in these two rezoning cases to contact City Council offices next week to determine when their petitions would be scheduled on the agenda of the Planning and Development Committee.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

Edna Whittier of 1400 Vondel in Holt spoke in support of the two proposed Civil Rights Ordinances.

Victor Whittier of 201 S. Mall Dr. #52 spoke in support of the two proposed Civil Rights Ordinances.

Lloyd Teets of 116 E. Elm St. criticized the optical scan equipment voting machines being used for absent voter ballots. He contradicted the statements made in the letter from City Clerk, Marilynn Slade, regarding ongoing voter education efforts for the use of these machines. He stated further objection to the provisions of the Stormwater Enterprise Fund ordinance.

Tom Hearnly of 3425 Palmer said that he has already paid (by the linear foot) for separation of his sewers. He questioned the differential in the costs of sewer separation between the City of Grand Rapids and the City of Lansing. Why does Lansing's sewer separation cost so much more when Grand Rapids is much bigger? He questioned the sewer fees collected by the Board of Water & Light and the disposition of that money. Councilmember Allen asked Mr. Hearnly for his phone number (394-0979).

By motion of Councilmember Beal, the following communication from State Representative Lynne Martinez was directed to be printed in the Public Comment portion of the agenda.

In support of the Lansing Civil Rights Ordinance

By Lynne Martinez

I am here tonight to support the Civil Rights Ordinance. It is time for Lansing to have a full "Civil Rights Ordinance". Our "Fair Housing Ordinance" is limited in its scope and protection.

I have listened to the debate around the Civil Rights Ordinance for more than a year. In that time, I have not heard anyone speak against the concept of the Ordinance. The only objections I have heard have been to including gay, lesbian and bi-sexual people under its protection. I will speak to this question.

"It is admirable for Americans to promote personal beliefs through either religious or political processes. But when we attempt to use our government to force others to worship as we do or treat those who differ as secondary citizens, then we violate the basic tenets of a democracy." Former President Jimmy Carter, Los Angeles Times, 2/23/96 Commentary.

Tonight we are witnessing exactly such an attempt to use our government to treat those who differ as secondary citizens. To deny people who are gay, lesbian or bisexual equal protection under this proposed Civil Rights Ordinance is to deny their basic right to jobs and housing and equal protection under the law. But more seriously, it is a denial that we share with them a basic humanity.

One hundred years ago, many people who are here tonight would not have been allowed to vote, and would not have been granted equal protection. One hundred years ago, African Americans could not vote, and were banished to separate facilities and the "back of the bus" because they were the wrong color. I would not have been able to vote or hold elected office because I am female. And no-one who is not a land owner could have exercised the right to vote.

But as our democracy has matured, we have come to acknowledge that, from time to time we have had to reach beyond our accepted practices, to be more fair and more inclusive. This is a time that cries out for such a new reach.

Gay men and lesbian women are with us every day. They are our friends, our brothers and sisters, our cousins, neighbors and colleagues. They

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ARE GOOD PEOPLE WHO CONTRIBUTE TO THIS COMMUNITY AND THIS STATE. THEY DESERVE OUR RESPECT AS HUMAN BEINGS – AND THEY DESERVE EQUAL PROTECTION UNDER THE LAWS THAT GOVERN US ALL.

TO HAVE PEOPLE HERE SPEAKING AGAINST THE CIVIL RIGHTS ORDINANCE TONIGHT, ESPECIALLY ON THE BASIS OF RELIGIOUS BELIEFS, IS AN EVENT THAT CAUSES ME CONCERN. JUST AS OUR CONSTITUTION GUARANTEES US THE RIGHT TO PRACTICE OUR RELIGION – IT ALSO PROTECTS US FROM PERSECUTION BASED ON RELIGION. CIVIL RIGHTS ARE BEING DENIED TO GAY AND LESBIAN MEN AND WOMEN BECAUSE SOME DISAGREE WITH ONE ASPECT OF THEIR LIVES.

I HAVE HEARD THE OPPOSITION TO THE CIVIL RIGHTS ORDINANCE DESCRIBED AS THE DENIAL OF "SPECIAL RIGHTS". I DO NO UNDERSTAND THIS CONCEPT. WHAT IS SPECIAL ABOUT THE RIGHT TO HAVE A HOME TO LIVE IN? WHAT IS THE SPECIAL RIGHT ABOUT HAVING A JOB TO WHICH YOU CAN GO EVERY DAY, KNOWING THAT YOU WILL NOT BE HARASSED OR FIRED BECAUSE OF YOUR AFTER HOURS LIFE? SINCE WHEN IS EQUAL PROTECTION UNDER THE LAW FOR EVERY MAN, WOMAN AND CHILD A SPECIAL RIGHT?

I SHARE THE COMMITMENT THAT I KNOW EACH OF YOU HAS MADE IN PUBLIC LIFE TO UPHOLD THE RIGHTS OF, AND WORK FOR THE WELL BEING OF EVERY PERSON I REPRESENT. AND I KNOW, AS YOU DO, THAT SOMETIMES THERE ARE NO EASY ANSWERS. THERE IS CONTROVERSY IN THE LEGISLATIVE PROCESS AND THERE ARE VARIED OPINIONS ABOUT THE BEST INTERESTS OF OUR CONSTITUENTS. BUT I KNOW THAT NONE OF US ARE FREE UNTIL WE ALL ARE FREE.

I KNOW THAT WE ARE ENGAGED IN A SERIOUS STRUGGLE TODAY – DEBATING THE COURSE THAT OUR NATION WILL TAKE OVER THE NEXT YEARS. THIS SAME DEBATE IS HAPPENING HERE IN LANSING. WE NEED TO RECOGNIZE THAT DIVISIVE POLITICS ARE A THREAT TO OUR FUTURE. HOW CAN WE MAINTAIN A POWERFUL SOCIETY OR A WORLD CLASS CITY IF WE CONTINUE THE POLITICS OF BIAS, PREJUDICE AND HATRED? WE CANNOT.

I AM PLEASED TO HAVE THIS OPPORTUNITY TO ADDRESS YOU THIS EVENING. I APPRECIATE THE WORK THAT THIS COUNCIL HAS INVESTED IN CREATING THIS NEW CIVIL RIGHTS ORDINANCE THAT WILL ENHANCE THE FREEDOM WE PROMISE TO OUR CONSTITUENTS. I URGE YOU TO CONTINUE THIS COURAGEOUS EFFORT.

COMMUNICATIONS AND PETITIONS

BY COUNCILMEMBER ALLEN

THAT COMMUNICATIONS AND PETITIONS BE CONSIDERED AS BEING READ IN FULL AND THAT THE PROPER REFERRALS BE MADE BY PRESIDENT JONES

CARRIED UNANIMOUSLY

A. NOTICE FROM THE STATE OF MICHIGAN DEPARTMENT OF TREASURY OF REVOCATION OF INDUSTRIAL FACILITY EXEMPTION CERTIFICATE NOS. 82-229, 84-618 & 85-389 FOR MOTOR WHEEL CORPORATION

REFERRED TO THE MAYOR

B. NOTICE FROM THE STATE OF MICHIGAN DEPARTMENT OF SOCIAL SERVICES OF THE CLOSING OF AN ADULT FOSTER CARE SMALL GROUP HOME, COMFORT RESIDENTIAL, LICENSED TO JOANNE JORDAN AT 807 PRINCETON

REFERRED TO THE MAYOR

C. LETTER FROM UAW LOCAL #2256 REQUESTING COPIES OF CITY COUNCIL FINDINGS AND RECOMMENDATIONS WITH REGARD TO THE REGIONALIZATION OF CITY SERVICES

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

D. LETTER FROM THE STATE OF MICHIGAN DEPARTMENT OF TREASURY REGARDING CREDIT CARD TRANSACTIONS BY LOCAL UNITS OF GOVERNMENT

REFERRED TO THE MAYOR

E. LETTER FROM KENNETH E. VAUGHAN OF 114 GARDEN ST. IN SUPPORT OF THE TWO PROPOSED CIVIL RIGHTS ORDINANCES

RECEIVED AND PLACED ON FILE

F. NOTICE FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES OF APPLICATION FOR A PERMIT FOR SEWERAGE SYSTEM CONSTRUCTION FILED BY THE CITY OF LANSING FOR THE LANSING WESTSIDE INTERCEPTOR REHABILITATION - PHASE III

REFERRED TO THE MAYOR

G. LETTER FROM ALEXANDER BOLT OF 1230 REO RD. REGARDING THE STORMWATER ENTERPRISE FUND

REFERRED TO THE MAYOR, THE COMMITTEE ON PUBLIC SERVICES

H. LETTER FROM KAREN K. WOODS OF 1230 VERMONT AVE. REGARDING THE AVAILABILITY OF HANDICAP PARKING FOR PEOPLE WHO WORK IN THE DOWNTOWN AREA

REFERRED TO THE MAYOR, THE COMMITTEE ON PUBLIC SERVICES

I. FOURTEEN LETTERS IN SUPPORT OF THE TWO

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PROPOSED CIVIL RIGHTS ORDINANCE FROM THE LANSING EQUAL RIGHTS TASK FORCE

RECEIVED AND PLACED ON FILE

J. LETTER FROM THE MID-MICHIGAN CHAPTER OF PARENTS OF MURDERED CHILDREN REQUESTING A PROCLAMATION TO BE PRESENTED ON APRIL 22, 1996 DECLARING THE WEEK OF APRIL 21-27, 1996 AS CRIME VICTIMS RIGHTS WEEK

REFERRED TO THE MAYOR

K. LETTER FROM GEORGE W. ABRAHAM REQUESTING AN ADMINISTRATIVE REZONING OF PROPERTY IN THE 2700 AND 2800 BLOCKS OF S. WASHINGTON FROM "A-1" RESIDENTIAL TO "D-1" PROFESSIONAL OFFICE

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

MAYOR'S COMMENTS

MAYOR HOLLISTER HAD NO COMMENTS AT THIS TIME

CITY OFFICER AND BOARD REPORTS

A. INFORMATION-ONLY ITEMS FROM THE CITY CLERK:

1. LETTER FROM THE CITY CLERK NOTIFYING COUNCILMEMBERS OF THE RECEIPT OF MINUTES FROM CITY BOARD AND AUTHORITIES

RECEIVED AND PLACED ON FILE

2. LETTER FROM THE CITY CLERK UPDATING COUNCILMEMBERS ON OPTICAL SCAN ABSENTEE VOTER EDUCATION EFFORTS

RECEIVED AND PLACED ON FILE

B. LETTERS FROM THE MAYOR RE:

1/ LETTER OF COMMENDATION FOR FIRE STATION #1 FIREFIGHTERS FROM THE LANSING CENTER

RECEIVED AND PLACED ON FILE

2/ PROPOSED OBJECTIVES, GOALS AND PROJECTED USE OF COMMUNITY DEVELOPMENT FUND RESOURCES FOR FY 96-97 AND ALTERNATIVE BUDGET

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3/ TRANSFER OF FUNDS: FINANCE, LPD, PARKS & RECREATION, CITY CLERK'S OFFICE

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Z-22-95, 910 JEROME ST., REZONING FROM "DM-3" RESIDENTIAL TO "D-1" PROFESSIONAL OFFICE DISTRICT

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5/ SLU-01-96, N. SIDE BEAUJARDIN DR. AND OAKBROOK DR. DEVELOPMENT OF GREATER JOY CHURCH OF GOD IN CHRIST

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6/ ACT-24-95, 1100 BLOCK KINGSLEY COURT, SALE OF CITY OWNED PROPERTY

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7/ ACT-25-95, BAKER ST. AT CONRAIL RIGHT OF WAY

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

8/ ACT-01-96, 1300 BLOCK TURNER ST.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

RESOLUTIONS

RESOLUTION #090
BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, ORDINANCE #888 ADOPTED JULY 11, 1994, ALLOWS FOR THE DISPOSITION OF BICYCLES WHICH ARE DEEMED SURPLUS BY THE LANSING POLICE DEPARTMENT; AND

WHEREAS BY SUBSEQUENT RESOLUTION THE CITY COUNCIL DEFINED THE PROCEDURE FOR DISPOSING OF THESE BICYCLES TO NON-PROFIT AGENCIES WITHIN THE CITY; AND

WHEREAS, THE CITY COUNCIL HAS RECEIVED REQUESTS FROM ADDITIONAL NON-PROFIT AGENCIES, AND HAS ALSO RECEIVED LISTS FROM THE QUARTERMASTER UNIT IDENTIFYING SURPLUS BICYCLES,

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE DISTRIBUTION OF BICYCLES DEEMED SURPLUS BY THE QUARTERMASTER UNIT OF THE LANSING POLICE DEPARTMENT IN THE COMMUNICATIONS DATED FEBRUARY 20, 1996, TO THE CAPITOL BRANCH OF THE MICHIGAN STAKE;

AND BE IT FURTHER RESOLVED ANY BICYCLES FROM THIS LIST THAT ARE NOT PICK UP BY THE ELIGIBLE NON-PROFIT AGENCIES BY MARCH 1, 1996, MAY BE

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disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #091
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated $20,000 in the FY96 General Fund Budget to create an account to pay certain costs of use of the Lansing Center by community organizations; and

WHEREAS, the Committee on General Services has reviewed a request for payment of such costs from the group organizing a Cesar Chavez Commemoration Dinner on March 29, 1996; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a charge in the amount of $600.00 to account #1011739011-741200-0 for Lansing Center rental costs of the Cesar Chavez Commemoration Dinner; and

AND BE IT FURTHER RESOLVED the Clerk is requested to forward this resolution to the Finance Director for action.

By Councilmember Benavides

Carried unanimously

RESOLUTION #092
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Council Vice President has recommended to the Committee of the Whole a draft of an amendment to Council Rule #10, regarding preparation of the Council Agenda by the City Clerk; and,

WHEREAS, the Committee of the Whole has studied the draft and determined that the amendment has merit; and

WHEREAS, the Committee on General Services has reviewed the amendment to Rule #10 and endorses its adoption, and has also recommended an amendment to Rule #28, to eliminate an ambiguity between the City Charter and Council Rules regarding procedures in Committee of the Whole;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts the attached amendments to Rule #10 and Rule #28 of the City Council Rules.

RULE #10 as amended:

Rule 10. Preparation of Agenda. The Clerk's office shall prepare and provide copies of packets to Council and the Mayor of an agenda of business to be considered at each regularly scheduled Council meeting and any special meetings of City Council. No item of business shall be placed on the agenda for a regular meeting of Council unless the original document, annotated with such approvals as may be required, shall have been filed in the office of the Clerk by 4:00 p.m. on the second official business day, usually Thursday, immediately preceding the business day of the Council meeting. The agenda for each such meeting shall be posted in the lobby of City Hall and Council Chambers not later than eighteen hours prior to the time of each such meeting, and at such other places as the Council may deem appropriate.

RULE #28 as amended:

Rule 28. Rules in Committee. The Rules of Council shall be observed in the Committee of the Whole except for limiting debate-, and moving to vote immediately. A motion that the Committee rise shall always be in order and shall be decided without debate. motions recommending action by Council shall take precedence in the same order as analogous motions in Council. A motion to reconsider shall be in order in the Committee of the Whole.

By Councilmember Benavides

Carried unanimously

RESOLUTION #093
BY THE COMMITTEE ON DEVELOPMENT
AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
LOT 6, R.E OLDS PLAT

WHEREAS, the Lansing City Council did in resolution #020A-3, dated February 5, 1996, authorize the sale of Lot 6 of the R.E. Olds Plat to Share Mid-Michigan, Inc. for the purpose of developing a wholesale food distribution warehouse/office facility; and

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WHEREAS, Share Mid-Michigan Inc. , in a letter sent February 9, 1996 to the Development Office of the City, indicated that as a result of their inability to obtain financing for the project they formally withdraw their offer to purchase the Lot; and

NOW, THEREFORE, BE IT RESOLVED, that the City accepts the withdrawal of the offer to purchase Lot 6 of the R.E. Olds Plat as made by Share Mid-Michigan, Inc.

BE IT FURTHER RESOLVED, that the Administration is directed to continue efforts to market Lot 6 of the R.E. Olds Plat for uses consistent with development objectives and parameters previously established for the Diamond Reo property.

By Councilmember Lilly

Carried unanimously

RESOLUTION #094
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, March 25, 1996, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-1-96, by Rev. W. F. Osborn representing the Greater Joy Church of God in Christ on property located on the north side of Beaujardin Drive at Oakbrook Drive.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

RESOLUTION #095
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Manager of the Planning and Neighborhood Development Department determined that the building located at 321 Denver, legally described as : Lot 60 Elmview Sub

is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing
Housing Code and MCL 125.539 of the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing officers on June 22, 1995, at which the Hearing Officers determined that said building is an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Lansing Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 11, 1995, to review the findings and order of the Hearing Officers and the owner(s) have been notified in writing of said hearing and have had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED the City Council hereby accepts the findings and approves the order of the Hearing Officer and directs the owner (s) to comply with said order and to demolish or otherwise make safe the said building within Sixty (60)days from the date of this resolution's adoption (March 4, 1996).

BE IT FURTHER RESOLVED if the owner(s) fail to comply with the Hearing officer's order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located.

BE IT FINALLY RESOLVED that the owner(s) in whose name the property appears upon the last City of Lansing tax assessment record shall be billed by first class mail at the address shown on the records the amount of the costs incurred by the City to bring the property in conformance with the order. Upon the owner(s) failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the City shall have a lien for said costs and the lien shall be filed or recorded as provided by law and shall be treated and collected in the same manner in all respects as provided by law for the collection of property tax liens.

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By Councilmember Allen

Carried unanimously

RESOLUTION #096
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Manager of the Planning and Neighborhood Development Department determined that the building located at 1225 Clark, legally described as: Lot 31 Otto S Add, is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Housing Code and MCL 125.539 of the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on June 22, 1995, at which the Hearing officers determined that said building is an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Lansing Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 11, 1995, to review the findings and order of the Hearing Officers and the owner(s) have been notified in writing of said hearing and have had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED the City Council hereby accepts the findings and approves the order of the Hearing Officer and directs the owner (s) to comply with said order and to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (March 4, 1996).

BE IT FURTHER RESOLVED if the owner (s) f ail to comply with the Hearing Officer's order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located.

BE IT FINALLY RESOLVED that the owner(s) in whose name the property appears upon the last City of Lansing tax assessment record shall be billed by first class mail at the address shown on the records the amount of the costs incurred by the City to bring the property in conformance with the order. Upon the owner(s) failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the City shall have a lien for said costs and the lien shall be filed or recorded as provided by law and shall be treated and collected in the same manner in all respects as provided by law for the collection of property tax liens.

By Councilmember Allen

Carried unanimously

RESOLUTION #097
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Manager of the Planning and Neighborhood Development Department determined that the building located at 1312 W Ionia, legally described as:

W 2 Ft of S 5½ R Lot 17 Block 1 G S French S Sub & E ½ Lot 6 Block 1 Holmes Plat Rec L 2 P 41

is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Housing Code and MCL 125.539 of the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on June 22, 1995, at which the Hearing Officers determined that said building is an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Lansing Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 11, 1995, to review the findings and order of the Hearing Officers and the owner(s) have been notified in writing of said hearing and have had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED the City Council hereby accepts the findings and approves the order of the Hearing Officer and directs the owner (s) to comply with said order

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AND TO DEMOLISH OR OTHERWISE MAKE SAFE THE SAID BUILDING WITHIN SIXTY (60)DAYS FROM THE DATE OF THIS RESOLUTION'S ADOPTION (MARCH 4, 1996).

BE IT FURTHER RESOLVED IF THE OWNER(S) FAIL TO COMPLY WITH THE HEARING OFFICER'S ORDER FOR DEMOLITION OR OTHERWISE MAKE SAFE, THE MANAGER OF CODE COMPLIANCE IS HEREBY DIRECTED TO PROCEED WITH DEMOLITION OF SAID BUILDING.

BE IT FURTHER RESOLVED THE COST OF SUCH DEMOLITION SHALL BE A LIEN AGAINST THE REAL PROPERTY AND SHALL BE REPORTED TO THE CITY ASSESSOR WHO SHALL ASSESS THE SAME AGAINST THE PROPERTY UPON WHICH THE BUILDING IS PRESENTLY LOCATED.

BE IT FINALLY RESOLVED THAT THE OWNER (S) IN WHOSE NAME THE PROPERTY APPEARS UPON THE LAST CITY OF LANSING TAX ASSESSMENT RECORD SHALL BE BILLED BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE RECORDS THE AMOUNT OF THE COSTS INCURRED BY THE CITY TO BRING THE PROPERTY IN CONFORMANCE WITH THE ORDER. UPON THE OWNER(S) FAILURE TO PAY THE SAME WITHIN THIRTY (30) DAYS AFTER MAILING BY THE CITY ASSESSOR OF THE NOTICE OF THE AMOUNT THEREOF, THE CITY SHALL HAVE A LIEN FOR SAID COSTS AND THE LIEN SHALL BE FILED OR RECORDED AS PROVIDED BY LAW AND SHALL BE TREATED AND COLLECTED IN THE SAME MANNER IN ALL RESPECTS AS PROVIDED BY LAW FOR THE COLLECTION OF PROPERTY TAX LIENS.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #098
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE LANSING CODE COMPLIANCE MANAGER OF THE PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT DETERMINED THAT THE BUILDING LOCATED AT 516 ISBELL, LEGALLY DESCRIBED AS: E 48 FT LOTS 19 & 20 REPLAT OF BLOCK 4 OF SOUTH PARK ADD, IS AN UNSAFE OR DANGEROUS BUILDING AS DEFINED IN SECTION 1460.24 OF THE LANSING HOUSING CODE AND MCL 125.539 OF THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, A HEARING WAS HELD BY THE HEARING OFFICERS ON JUNE 22, 1995, AT WHICH THE HEARING OFFICERS DETERMINED THAT SAID BUILDING IS AN UNSAFE OR DANGEROUS BUILDING AND ORDERED THE BUILDING DEMOLISHED OR OTHERWISE MADE SAFE; AND

WHEREAS, SAID HEARING OFFICERS FILED A REPORT OF THEIR FINDINGS AND ORDER WITH THE CITY COUNCIL AND HAVE REQUESTED THE CITY COUNCIL TO TAKE APPROPRIATE ACTION UNDER THE LANSING HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, THE CITY COUNCIL SCHEDULED A HEARING ON DECEMBER 11, 1995, TO REVIEW THE FINDINGS AND ORDER OF THE HEARING OFFICERS AND THE OWNER(S) HAVE BEEN NOTIFIED IN WRITING OF SAID HEARING AND HAVE HAD AN OPPORTUNITY TO APPEAR AND SHOW CAUSE WHY SAID BUILDING SHOULD NOT BE DEMOLISHED OR OTHERWISE MADE SAFE;

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL HEREBY ACCEPTS THE FINDINGS AND APPROVES THE ORDER OF THE HEARING OFFICER AND DIRECTS THE OWNER (S) TO COMPLY WITH SAID ORDER AND TO DEMOLISH OR OTHERWISE MAKE SAFE THE SAID BUILDING WITHIN SIXTY (60)DAYS FROM THE DATE OF THIS RESOLUTION'S ADOPTION (MARCH 4, 1996).

BE IT FURTHER RESOLVED IF THE OWNER(S) FAIL TO COMPLY WITH THE HEARING OFFICER'S ORDER FOR DEMOLITION OR OTHERWISE MAKE SAFE, THE MANAGER OF CODE COMPLIANCE IS HEREBY DIRECTED TO PROCEED WITH DEMOLITION OF SAID BUILDING.

BE IT FURTHER RESOLVED THE COST OF SUCH DEMOLITION SHALL BE A LIEN AGAINST THE REAL PROPERTY AND SHALL BE REPORTED TO THE CITY ASSESSOR WHO SHALL ASSESS THE SAME AGAINST THE PROPERTY UPON WHICH THE BUILDING IS PRESENTLY LOCATED.

BE IT FINALLY RESOLVED THAT THE OWNER (S) IN WHOSE NAME THE PROPERTY APPEARS UPON THE LAST CITY OF LANSING TAX ASSESSMENT RECORD SHALL BE BILLED BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE RECORDS THE AMOUNT OF THE COSTS INCURRED BY THE CITY TO BRING THE PROPERTY IN CONFORMANCE WITH THE ORDER. UPON THE OWNER(S) FAILURE TO PAY THE SAME WITHIN THIRTY (30) DAYS AFTER MAILING BY THE CITY ASSESSOR OF THE NOTICE OF THE AMOUNT THEREOF, THE CITY SHALL HAVE A LIEN FOR SAID COSTS AND THE LIEN SHALL BE FILED OR RECORDED AS PROVIDED BY LAW AND SHALL BE TREATED AND COLLECTED IN THE SAME MANNER IN ALL RESPECTS AS PROVIDED BY LAW FOR THE COLLECTION OF PROPERTY TAX LIENS.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #099
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE LANSING CODE COMPLIANCE MANAGER OF THE PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT DETERMINED THAT THE BUILDING LOCATED AT 611 MANCHESTER, LEGALLY DESCRIBED AS:

LOT 8 EXC W 10 FT BLOCK 3 ASSESSOR S PLAT NO

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is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Housing Code and MCL 125.539 of the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on June 22, 1995, at which the Hearing officers determined that said building is an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Lansing Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 11, 1995, to review the findings and order of the Hearing Officers and the owner(s) have been notified in writing of said hearing and have had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED the City Council hereby accepts the findings and approves the order of the Hearing Officer and directs the owner (s) to comply with said order and to demolish or otherwise make safe the said building within sixty (60)days from the date of this resolution's adoption (March 4, 1996).

BE IT FURTHER RESOLVED if the owner (s) f ail to comply with the Hearing officer 1 s order for demolition or otherwise make safe, the Manager of Code compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located.

BE IT FINALLY RESOLVED that the owner(s) in whose name the property appears upon the last City of Lansing tax assessment record shall be billed by first class mail at the address shown on the records the amount of the costs incurred by the City to bring the property in conformance with the order. Upon the owner(s) failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the City shall have a lien for said costs and the lien shall be filed or recorded as provided by law and shall be treated and collected in the same manner in all respects as provided by law for the collection of property tax liens.

By Councilmember Allen

Carried unanimously

RESOLUTION #100
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$89,700	Est. Rev.-Parking 585-0-170001-0	Parking-Ctrl 585-453642-992200-0
$89,700	Parking-Ctrl 585-453642-992200-0	
$6,300		Bball oper.-Salaries 585-453650-702000-0
$6,900		Bball Oper.-Hourly Wages 585-453650-706000-0
$31,500		Bball oper Prt Time Wage 585-453650-707000-0
$ 9,500		Bball Oper. Fringe Benefits 585-453650-715000-0
$34,000		Baseball Oper.Misc. & Oper.585-453650-741000-0
$ 1,500		Bball Oper.Equip. Rental 585-453650-745200-0

(Provide funding for baseball parking operations during months of April, May and June of 1996. Miscellaneous costs include meter bags, signs, payment coupons, hanging rear view mirror tags, mailings, hats, and aprons. Revenue is from collections from baseball parking operations to be credited to revenue detail account 585-0-603234-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$12,500	Police-Uniform Patrol-Salar. 101-343251-702000-0	Police-Com.Center-Equipment 101-343230-977000-0

(Purchase of modular furniture and privacy panels for four report taking stations in the 911 Center.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$5,700	Police-Uniform Patrol-Salaries 101-343251-702000-0	Police-Adminis.-Bldg Maint. 101-343201-746100-0

(Project costs to create a first floor interview room ($2,000), remodeling Planning and Analysis office area ($3,200), and remodeling second office ($500).

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$8,240	POLICE-UNIFORM PATROL-SALARIES 101-343251-702000-0	POLICE-CTRL 101-343201-992200-0
$8,240	POLICE-CNTRL 101-343201-992200-0	GEN ADMIN.-CTRL 101-173901-992200-0
$8,240	GEN ADMIN.-CTRL 101-173901-992200-0	TRAINING-POLICE DEPT. 101-173901-747032-0

(BALANCE OF TRAINING FOR POLICE DEPARTMENT PERSONNEL IN USE OF NEW COMPUTER HARDWARE AND SOFTWARE.)

BY COUNCILMEMBER BEAL
CARRIED UNANIMOUSLY

RESOLUTION #101
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, THE LANSING CITY COUNCIL HAS ESTABLISHED THE LANSING MUNICIPAL PARKING SYSTEM AS THE OPERATING AGENCY FOR CITY ' PARKING OPERATIONS;

WHEREAS, THE CITY OF LANSING WILL BEGIN BASEBALL PARKING OPERATIONS ON APRIL 3, 1996;

WHEREAS, IN ORDER TO PROPERLY STAFF PARKING OPERATIONS, THE LANSING MUNICIPAL PARKING SYSTEM HAS DETERMINED THAT A MINIMUM OF 24 STAFF MEMBERS MUST BE ON DUTY PRIOR TO EACH BASEBALL GAME AND HAS REQUESTED ADDITIONAL STAFF TO SUPPORT THIS WORK ACTIVITY;

WHEREAS, THE PROPOSED RECOMMENDATIONS HAVE BEEN REVIEWED BY THE COMMITTEE ON WAYS AND MEANS;

NOW, THEREFORE BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY APPROVES THE FOLLOWING CHANGES TO THE LANSING MUNICIPAL PARKING SYSTEM TABLE OF ORGANIZATION:

1. THE NUMBER OF AUTHORIZED PART-TIME PARKING REVENUE COLLECTOR POSITIONS IS HEREBY INCREASED FROM 17 TO 30 IN ORDER TO MEET THE STAFFING NEEDS DURING THE BASEBALL SEASON.

2. THE NUMBER OF PART-TIME PARKING REVENUE COLLECTORS WILL BE REDUCED TO 17 DURING OTHER TIMES OF THE YEAR BY ADMINISTRATIVE SCHEDULING.

3. THE NUMBER OF PART-TIME PARKING REVENUE COLLECTORS WILL BE ADJUSTED BY THE ADMINISTRATION DURING THE BASEBALL SEASON IF ACTUAL PARKING DEMAND WARRANTS A REDUCTION IN STAFF.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #102
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF LANSING

WHEREAS, THE FORESTRY SECTION OF THE PARKS AND RECREATION DEPARTMENT HAS BEEN AWARDED A GRANT FROM THE STATE OF MICHIGAN URBAN FORESTRY DEPARTMENT IN THE SUM OF $1,000 FOR THE PURPOSE OF ADVERTISING ARBOR DAY, AND

WHEREAS, THE CITY OF LANSING MATCH FOR THIS GRANT IS IN-KIND SERVICES WITH NO FINANCIAL IMPACT, AND

WHEREAS, THE ARBOR DAY ACTIVITIES CONSIST OF VOLUNTEER TREE PLANTINGS IN SCHOOLS THROUGHOUT THE COMMUNITY AND FORMAL ARBOR DAY PROGRAMMING INVOLVING CITY OFFICIALS.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL AUTHORIZES THE ACCEPTANCE OF THE $1,000 GRANT FROM THE STATE OF MICHIGAN URBAN FORESTRY DEPARTMENT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #103
BY THE WAYS AND MEANS COMMITTEE:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING:

WHEREAS, GRANT FUNDS HAVE BEEN MADE AVAILABLE THROUGH THE STATE OF MICHIGAN, OFFICE OF CRIMINAL JUSTICE TRAINING, FOR TRAINING FOR LANSING POLICE DEPARTMENT STAFF; AND

WHEREAS, THE CITY SUBMITTED A GRANT APPLICATION F OR A TRAINING PROGRAM FOR POLICE DEPARTMENT PERSONNEL, IN ORDER TO DEVELOP A WORKING KNOWLEDGE OF PERSONAL COMPUTER SYSTEMS AND SOFTWARE AVAILABLE TO BOTH SWORN AND CIVILIAN PERSONNEL; AND

WHEREAS, THE CITY WAS RECENTLY ADVISED THAT A GRANT IN THE AMOUNT OF $6,700 HAS BEEN APPROVED; AND

WHEREAS, BY LEVERAGING THESE GRANT FUNDS WITH EXISTING TRAINING MONIES (BOTH ACT 301 AND ACT 302, AND GENERAL FUND) AND A TRANSFER FROM

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salary residuals to General Administration for Police Training in the current fiscal year, the combined funds should be sufficient to provide training to precinct personnel and support staff; and

WHEREAS, the Mayor has recommended acceptance of the grant;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City council approves acceptance of the State grant funds in the amount of $ 6,700 for training of Police Department personnel, to begin after April 1st, 1996.

BE IT FINALLY RESOLVED, that the City Council hereby authorizes the Administration to accept the grant and make the appropriate transfers for implementation.

By Councilmember Beal

Carried unanimously

RESOLUTION #104
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the General Fund budget and various enterprise fund budgets adopted by this Council are predicated on several financial assumptions applied to the period covered by the proposed budget; and

WHEREAS, during the course of a budget year, changes in revenue streams and/or expenditure levels may produce a deficit situation requiring Council action; and

WHEREAS, Section 7-110 of the City Charter anticipates such a situation and requires the Finance Director to report three times a year on the relationship between estimated and actual revenues and expenditures to date; and

WHEREAS, except for such reports, Councilmembers are at a disadvantage when explaining City finances to constituents or the media, if the Finance Department does not provide notice to the Council whenever financial assumptions are changed; and

WHEREAS, Councilmembers, as part-time legislators, have final responsibility for decisions on tax rates, user fees, and other revenues, but do not have immediate access to records that reveal cash flow or other indicators of stability in budgets; and

WHEREAS, the Charter does not impose an obligation on the Administration to report mid-year changes in financial assumptions;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby establishes a new standing policy that all changes of financial assumptions, which are included in budgets adopted by Council, that are made by the Mayor or by any Administrative officers, shall be reported to the Council within five working days; and

BE IT FURTHER RESOLVED such reports shall explain the reasons for the change in financial assumption and the anticipated impact on the affected budget; and

BE IT FINALLY RESOLVED, that a narrative shall accompany all quarterly financial updates detailing all changes in financial assumptions and the significance of any and all changes.

By Councilmember Beal

To accept a friendly amendment proposed by Councilmember Lilly to amend the resolution by removing all occurrences of the word "ALL" when it precedes the word "Changes", those being located as follows: in the second line of the NOW THEREFORE BE IT RESOLVED, clause; In the second line of the BE IT FINALLY RESOLVED, clause; and the next to last word of the BE IT FINALLY RESOLVED, clause, and to place an affirmative roll on the resolution as amended.

Carried unanimously

RESOLUTION #105
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, members of the congregation of Immanuel's Temple Community Church will honor their Pastor and his wife on Saturday, March 9, 1996, at an Expectation Shower for their third child; and

WHEREAS, the event organizers have requested a City Council resolution of congratulations to be presented as part of the ceremony;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby joins with the congregation of Immanuel'S Temple Community Church in congratulating Reverend Phillip Owens, Pastor, and Mrs. Patricia Owens, First Lady, as they await the birth of their third child.

By Councilmember Benavides

Carried unanimously

RESOLUTION #106

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BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, ON FEBRUARY 28, 1996, A JUDGMENT WAS ENTERED OVER THE OBJECTION OF THE CITY ATTORNEY AND IN FAVOR OF STEPHEN W. DUARTE IN THE INGHAM COUNTY CIRCUIT COURT LAWSUIT ENTITLED STEPHEN W. DUARTE V CITY OF LANSING, ET AL, FILE NO. 94-79040-CZ; AND

WHEREAS, AT THE DECEMBER 18, 1995 REGULAR MEETING OF THE LANSING CITY COUNCIL, THE COUNCIL CONSIDERED WHETHER TO APPROVE ENTERING INTO A SETTLEMENT OF SAID LAWSUIT ON SUBSTANTIALLY THE SAME TERMS CONTAINED IN SAID JUDGMENT AS REQUIRED BY AND CONSISTENT WITH THE REQUIREMENTS OF THE CITY CHARTER AND THE MICHIGAN OPEN MEETINGS ACT AND FAILED TO APPROVE SAID SETTLEMENT BY THE REQUIRED FIVE (5) VOTES OF COUNCIL;

NOW THEREFORE, BE IT RESOLVED THAT THE LANSING CITY COUNCIL HEREBY AUTHORIZES THE CITY ATTORNEY TO FILE AN APPEAL CONTESTING THE ENTRY OF SAID JUDGMENT BY THE INGHAM COUNTY CIRCUIT COURT, INCLUDING ALL ACTS WHICH MAY BE APPROPRIATE AND INCIDENTAL THERETO.

BY COUNCILMEMBER BEAL

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, JONES, LEEMAN, LILLY

NAYS: COUNCILMEMBERS BENAVIDES, NOVAK

RESOLUTION #107
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, BY THE SPRING OF 1896, THE GROWING NEED FOR A COMMUNITY HOSPITAL IN THE CAPITAL CITY PROMPTED A GROUP OF ENTERPRISING YOUNG WOMEN TO BEGIN A FUND-RAISING CAMPAIGN; AND

WHEREAS, THE 114 CHARTER MEMBERS OF THE WOMEN'S HOSPITAL ASSOCIATION, MANY OF THEM WIVES OF LOCAL BUSINESSMEN, WISHED TO BUY THE DEVINEY HOUSE ON WEST OTTAWA STREET, BUT THE DISAPPOINTING $400 PROCEEDS OF THEIR FUNDRAISING CAUSED THEM TO RENT THE BUILDING INSTEAD; AND

WHEREAS, THE ASSOCIATION OPENED AND OPERATED AN 11-BED HOSPITAL, HIRED A DOCTOR AND NURSE, AND USED THEIR OWN LINENS WHEN THE HOSPITAL SUPPLY RAN LOW; AND

WHEREAS, THE HOSPITAL WAS NEXT LOCATED IN THE MOFFATT HOUSE ON GRAND AVENUE, THEN THE ASSOCIATION BOUGHT THE JAMES MEAD HOUSE ON NORTH CEDAR STREET IN 1899, WHERE THE HOSPITAL OPERATED FOR MORE THAN 10 YEARS; AND

WHEREAS, LANSING GREW, AND ITS HEALTH CARE NEEDS GREW AS WELL, PROMPTING EDWARD W. SPARROW, ONE OF LANSING'S PIONEER DEVELOPERS, TO DONATE LAND AT 1215 EAST MICHIGAN AVENUE PLUS $100,000 IN CASH TO BUILD A NEW HOSPITAL, WHICH OPENED FOR BUSINESS NOVEMBER 6, 1912; AND

WHEREAS, FROM THIS BASE OF OPERATIONS, SPARROW HOSPITAL HAS GROWN TO A REGIONAL CENTER FOR PEDIATRICS, BURN TREATMENT, CANCER CARE, NEUROLOGICAL CARE, HIGH-RISK OBSTETRICS, DIALYSIS, AND NEONATAL INTENSIVE CARE, TREATING MORE THAN 120,000 PEOPLE EACH YEAR; AND

WHEREAS, SPARROW HOSPITAL HAS CONTINUALLY LIVED UP TO ITS AVOWED PURPOSE, DECLARED AT THE 1912 DEDICATION CEREMONIES AS 'RECEIVING, CARING FOR AND HEALING THE SICK AND INJURED, WITHOUT REGARD TO RACE, CREED OR COLOR"; AND

WHEREAS, BEGUN BY VOLUNTEERS, AND USING THE TIME AND SKILLS OF 1,400 VOLUNTEERS PLUS 600 PHYSICIANS AND ALMOST 3,000 ASSOCIATES TODAY, SPARROW HOSPITAL OFFERS QUALITY CARE AND A CARING SPIRIT TO THE PEOPLE OF OUR COMMUNITY;

NOW, THEREFORE, BE IT RESOLVED MEMBERS OF THE LANSING CITY COUNCIL HEREBY OFFER THEIR HEARTIEST CONGRATULATIONS AND WARMEST THANKS TO THE EXECUTIVES, MEDICAL STAFF, EMPLOYEES AND VOLUNTEERS OF SPARROW HOSPITAL AS THEY CELEBRATE THE 100TH ANNIVERSARY OF THE HOSPITAL'S FOUNDING.

BY COUNCILMEMBER LEEMAN

CARRIED UNANIMOUSLY

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-22-95, 910 JEROME STREET, "DM-3" RESIDENTIAL TO "D-1" PROFESSIONAL OFFICE

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

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RESOLUTION #108
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, March 25, 1995 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-22-95, 910 Jerome Street, "DM-3" Residential to "D-1" Professional Office

By Councilmember Lilly

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a Resolution of Tribute to Phillip & Patricia Owens

handled as resolution #105

2. From Councilmember Benavides; a letter from Community Policing Officer Todd C. Bleak requesting the donation of funding and time to the 1996 Lansing 911 Football Classic

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

3. From Councilmember Benavides; a letter from Lucile Belen regarding the dedication of the Lucile Belen Ballroom at the Lansing Center

REFERRED TO THE MAYOR

4. From Councilmember Allen; a letter from David Russell of 112 E. Claremore Dr. regarding the disposition of Board of Water & Light property

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5. From Councilmember Allen; a letter from Charles Swinehart of 4409 Devonshire Ave. regarding a release of claim agreement

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS AND THE COMMITTEE ON PUBLIC SERVICES

6. From Councilmember Lilly; a letter from Attorney General Frank Kelly declining to issue an opinion on the Stormwater Enterprise Fund Ordinance

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

7. From Councilmember Beal; a Resolution authorizing the City Attorney to file an appeal of the Court Ordered Judgement in the matter of Stephen W. Duarte v City of Lansing, et al

HANDLED AS RESOLUTION #106

8. From Councilmember Beal; a letter from State Representative Lynne Martinez regarding the two proposed Civil Rights Ordinances

THIS LETTER IS PRINTED UNDER THE FIRST PUBLIC COMMENT PORTION OF THE AGENDA

9. From Councilmember Leeman; a Resolution of Tribute to Sparrow Hospital honoring the occasion of their 100th Anniversary

HANDLED AS RESOLUTION #107

10. From Councilmember Novak; a resolution appropriating funds for the Spring Fling Event at the Lansing Center

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENTS

William Hubbell of 1827½ W. Holmes Rd. said that he is wearing a hard hat from the groundbreaking of the Transportation Center. There has been no progress on this project, except for the clearing of a big empty piece of land.

Lloyd Teets of 116 E. Elm St. spoke regarding IRS 415 limits for early retirees.

Hasna Gempel of 1526 Knollwood spoke regarding a nuisance fee against her property. The fee and attending late charges have brought the costs to over $2,000. She asked for assistance in getting the fees reduced.

Mark Eggleston of 4001 Heathgate criticized the Optical Scan Voting equipment used for absent ballot voters and the efforts by City Clerk, Marilynn Slade to educate voters on the use of the equipment. He urged Council to look closely at this system, as he believes it is not accurate.

Russell Smith of 403 Rosadell commended Councilmember Beal for voting against the Duarte Settlement.

Paul Scott of 412 W. Kilborn thanked Councilmembers Beal, Bauer, and Benavides for attending the Tri-County Regional Planning

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Commission meeting last Wednesday. He complimented Councilmember Bauer on the meeting she held at Eastern High School last week.

COUNCILMEMBERS COMMENTS

Councilmember Bauer reported that she represented the City Council and the Michigan Capital Medical Center at the Project Parent Press Conference and Kick-off. She confirmed the regularly scheduled meeting of the Intergovernmental Relations Committee meeting this Thursday at 8:00 A.M. the assessment of Lansing's Libraries will be on the agenda.

Councilmember Beal reported visiting the John O'Donnel Minor League Baseball Stadium in Iowa. They will play the Lugnuts in Lansing this May. She asked Council Legislative Assistant Onufer to research the issue of the Civic Center "Golden Document Box", or time capsule. He found that the box was not to be opened for 200 years. She is working on the idea of donating the box to the Lansing Historical Society. She said she would be writing to Mr. Eyde regarding this issue. She reported that the Ways and Means Committee Meeting this Wednesday will be televised and will include a presentation by Sandy Penslar regarding the Board of Water & Light, also speaking will be Tom Stanton of the Mayor's Energy Advisory Committee. Public attendance and call in comments are encouraged.

Councilmember Novak suggested that Council invite Diane Royal to speak at a Ways and Means meeting in review of this issue.

Councilmember Allen sent her best wishes to Ed Simmer, hospitalized for surgery. She confirmed the regularly scheduled meeting of the Public Safety Committee this Tuesday. They will take up the issue of a Public Hearing for Declaration of a Public Nuisance at 4901 Christiansen. She reported that at last week's meeting they discussed the issue of the death of Edward Swans while in the custody of the Lansing Police Department. The tape of this incident is not available for review at this time. It is in the custody of the Ingham County Prosecutors Office.

Reverend Lester Stone of Friendship Baptist Church stated that Councilmember Allen made certain promises to him at last week's City Council meeting, with regard to the viewing of this video, that she should not have made because they were not possible.

Councilmember Leeman agreed that the Civic Center "golden Document Box" should be in the hands of the public, not a private entity. He gave a report of his activities for the past three weeks.

Councilmember Benavides urged the administration to put additional trucks to work on pot hole patching, and reported a troubling practice by the Public Service Trucks. When they go to patch a hole that has been reported at a specific location that is all they patch, even though another hole could be only a foot away, they do not patch the second hole. This is not cost effective

President Jones thanked Jackie McLaughlin for driving in to Lansing to watch tonight's meeting.

CITY CLERK'S COMMENTS

City Clerk Slade corrected the erroneous statements made regarding the reliability of the Optical Scan voting equipment, being used by her office for absent voter balloting.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener said that it is clear that the public understands the need for the storm and sanitary sewer separation. What is at issue is the methodology. It is also clear that we are not done examining this issue. We are continuing to meet with interested groups and have been notified of the filing of a lawsuit against the ordinance today. He repeated Councilmember Leeman's request that comments or questions about the ordinance be put in writing so that specific responses can be made. The Stormwater Enterprise Fund is a very complicated system that took over 1 ½ years to develop. Similar programs have been adopted by over 70 cities around the Country. The amount of money needed to complete the project and the amount collected within the first three years can be revisited by the Committee on Public Services. The statement that only 20% of the project remains to be completed is inaccurate. The City still has all of the north side of town left to separate. The project is to be paid for ½ by the sewer fees and ½ by the Stormwater Enterprise Fund fees. Cities in the surrounding areas have more than doubled their sewer rates to pay for their separation costs.

ADJOURNED 9:30 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS MARCH 11, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Jones, Leeman, Lilly

ABSENT: Councilmembers Benavides, Novak (Councilmember Novak arrived at 9:40 P.M.)

The Invocation and Pledge of Allegiance were led by Students of St. Martha's Catholic School

APPROVAL OF MINUTES

By Councilmember Lilly

To approve the Printed Council Proceedings of February 19, February 26, and March 4, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a Resolution approving Transfer of Funds for the South Side Precinct

2. From Councilmember Allen; a letter from Karl N. Benghauser of 1804 Shubel Ave. regarding the provision of free parking to members of the media

3. From Councilmember Allen; a letter from Rich Kolaskey of 109 Lincoln Ave. regarding the Patio Parties at Coscarelli's Sports Bar

4. From Councilmember Allen; a letter from Margaret A. Bossenbery of 2331 Devonshire regarding a problem she is experiencing in the Capitol Ave. Parking Ramp

5. From Councilmember Allen; a request that Resolution #105 adopted on March 4, 1996 be reconsidered and a substitute resolution be adopted replacing it

6. From Councilmember Leeman; a Resolution of Tribute to Bennie and Magnolia Porter

7. From Councilmember Leeman; a request that the rules be suspended to Add a Section to the Agenda for a Special Ceremony, and to allow the Potter Park Zoo Master Plan Report to be presented as a Special Ceremony following the consideration of late items

8. From Councilmember Bauer; a Committee Report from the Intergovernmental Relations Committee referring the issue of the Sale of Priggooris Property to the Committee on Development and Planning; and a request that the Committee Report be discussed under the Committee of the Whole Discussions

9. From Councilmember Bauer; a letter from Mayor Hollister stating his intent to submit an Ordinance to add a new Chapter to the Code of Ordinances for the purpose of establishing a Principal Shopping District

SPECIAL CEREMONIES

A. Parks and Recreation Director, R. Eric Reickel introduced Jim Gambel and Joe Hamilton Zoo Design Specialists, who presented the Potter Park Zoo Master Plan prepared by the firms of McFadzean Everly Associates, Marshburn/Bunkley Associates and Capitol Consultants. Mr. Gimbel said that over 112,000,000 people visit zoos and aquariums every year in the United States. The plan they are presenting tonight would add a Discovery Center. He added that Gerald Brady, Potter Park Zoo Director, is the National Coordinator of the American Zoo and Aquarium Association's (AZA's) Species Survival Plan for Sumatran Tigers. The Master Plan they have developed is predicated upon regionalization of Zoo funding.

Councilmember Beal asked for an explanation of their concept of regionalized funding. Specifically, what vehicle do they envision being used for the collection of regional funds. How do they move the financial responsibility for the Zoo from the residents of the City of Lansing to a regional base. Mr. Gambel and Mr. Hamilton described a larger, regional tax base constituency, such as a County wide ballot question.

Councilmember Allen protested the fact that the report pictures the layout of the proposed buildings, but does not picture the exterior of the buildings themselves. Mr. Gambel indicated that there are other drawings available that depict the exterior of the buildings. Councilmember Allen inquired as to t he amount of income currently being raised by the Zoovenir Gift Shop. This information was not immediately available.

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Councilmember Lilly asked for an estimate of the cost for the Zoo renovation and was given the information that the projected costs are broken into stages and those are not immediately available right now either, however, the estimate for replacement of the entrance area is approximately $2,500,000. Councilmember Lilly asked Internal Auditor, Gregg Koessel how this project came about. Most of the seated Councilmembers were not on Council when the original appropriation for this study was made. Mr. Koessel explained that the original appropriation was for $40,000 for a study on renovation of the Zoo Entrance. This original appropriation evolved into a full blown study on a Zoo Master Plan.

Councilmember Bauer asked if any of the funding for the Master Plan would come from the Parks Millage.

Mr. Reickel said that the first Parks Millage was passed with certain representations made to the voters, including improvements to the zoo. He confirmed Councilmember Allen's supposition that the funding would be 50/50 in terms of modernization and regionalization. The parks millage would pay for the modernization, while regionalization would pay for Zoo expansion.

Councilmember Beal asked how the project grew from a $40,000 study for renovation of the Zoo Entrance to a $56,000 study for a Master Plan for the entire Zoo? Mr. Reickel responded that the original appropriation of $40,000 was insufficient funding to do a study on the Entrance project. This original appropriation was a general fund appropriation prior to the passage of the Parks Millage. Upon interviewing companies that perform these kinds of studies they found that $40,000 was not enough. Additional appropriations were added along the way. Councilmember Beal said it is her feeling that there is no point in doing studies on elaborate plans to improve the Zoo without addressing the financial needs requisite to the plan.

Mr. Reickel said that Councilmember Beal's concerns are really a matter of approach. The project has to start somewhere.

Councilmember Leeman asked Mr. Reickel to inform the viewing audience what the next step is for this project. Mr. Reickel responded that the recommendations of the Master Plan will be included in the 1996 Campaign. Councilmember Leeman thanked Mr. Reickel, the Zoo Consultants, and the Zoological Society for the presentation tonight. He stated his commitment to a balanced program for appropriation of Parks and Recreation funding. This type of program would place equal emphasis on all parks in the city, including the neighborhood parks.

Councilmember Allen asked Mr. Reickel if the Zoo expansion would cut into the Potter Park area. Mr. Reickel answered that it would encompass a small space in the parking area near the current entrance, but not an appreciable amount.

Councilmember Bauer thanked the Zoological Society Volunteers and Docents. The Zoo would not be the wonderful place it is today without them. She asked the volunteers present tonight to stand and be appreciated. Approximately 12 volunteers stood.

Councilmember Lilly agreed with Councilmember Leeman's statement about striking a balance between the funding of City parks, including the Riverwalk, Community Parks and the Potter Park Zoo.

Councilmember Beal announced to the viewing audience that they can visit the Zoo at no charge up until April 1st.

Council President Jones thanked the Consultants and the members of the Zoological Society. He declared a 5 minute recess at 7:55 P.M.

THIS SESSION OF CITY COUNCIL RECESSED AT 7:55 P.M. AND RECONVENED AT 8:00 P.M.

PUBLIC HEARINGS

A. In consideration of Z-19-95, 601 E. Michigan Ave., Rezoning Petition from "H" Light Industrial to "G-1" Business District filed by Quest 5, Ltd. to allow for the development of a Restaurant/Lounge

Bruce Steward and Janice Cornell of 603 E. Michigan Ave. said that they both have businesses adjacent to the property at 601 E. Michigan. They are concerned over parking availability. They currently lease parking spaces from the City and anticipate running into a problem with having their spaces usurped. Parking availability in this area is at a premium. The City needs to do something to solve the parking issue before they put additional businesses like Restaurant/Lounges in the area that will add to the problem.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In consideration of Z-21-95, 2817 E. Mt. Hope Ave., Rezoning Petition from "A" Residential to "D-1" Professional Office filed by Richard W. Johnson to allow for it's use as a professional office building

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

Council President Jones announced that speakers wishing to address the issue of the two proposed

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Civil Rights Ordinances will be limited to 2 minutes of speaking time per person.

THE FOLLOWING PEOPLE SPOKE IN OPPOSITION TO THE TWO PROPOSED CIVIL RIGHTS ORDINANCES:

-James O'Connor of 2811 Sunderland
-Leora O'Connor of 2811 Sunderland
-Eugene Connors of 640 E. Willard
-James O'Connor, II of 4137 Heathgate
-Kim Andresczuk of 3345 Inverary
-Brent Wilcox 640 Willard
-Tina Crupin of 4075 E. Holt Rd.
-Brian Barclay of 715 Emily

AND THE FOLLOWING PEOPLE SPOKE IN SUPPORT OF THE TWO PROPOSED CIVIL RIGHTS ORDINANCES:

-Edna Whittier of 1400 Vondel in Holt
-Cheryl VanDeKerkhove of 303 S. Holmes

Kevin McKinney of 6950 W. Eaton Highway spoke in support of the Principal Shopping District ordinance that is proposed by Mayor Hollister. Council should have this ordinance before them within the next few weeks. He was a member of the task force that developed the Ordinance over the course of the last year and ½.

Jan Hayhow of Michigania at 113 S. Washington, a member of the Downtown Merchants Association spoke in support of the Principal Merchants Ordinance proposed by Mayor Hollister tonight. Merchants need a professional, stably funded organization that focuses full time on business protection and business recruitment in Lansing.

Nancy Achenback of Ma Ahs stated her support for Mayor Hollister's proposal of a Principal Shopping District. She is willing to pay tax money to support such a concept.

Mary Kay Schultz of the Lansing Lugnuts read a letter from H.A. Welch in support of Mayor Hollister's proposal for a Principal Shopping District.

Lloyd Teets of 116 E. Elm Street said that he has major problems with the proposed Ethics Ordinance. In his estimation, it is very poorly written, because the average person cannot understand it. It refers the reader to too many state statutes. Additionally, he disagrees with the income levels and requirements for disclosure.

Alexander Bolt of 1230 Reo Rd. said that an amended complaint regarding the Stormwater Enterprise Fund fees will be submitted this week. He read part of the complaint.

John Farquher, President of the Potter Park Zoological Society spoke in support of the Potter Park Zoo Master Plan.

Bernard Sinclair of 4907 Alpha spoke in opposition to the Stormwater Enterprise Fund. He criticized Councilmembers who get up and walk off of the dais while the public is speaking.

Brian Barclay of 715 Emily asked Council to view the Zoo as a resource that encourages and helps children grow.

Paul Emory of 304 E. Grand River informed the audience that the City of Lansing now has a world wide web page site on the internet the address is HTTP://WWW.LANSING.COM and both the Stormwater Enterprise Fund Ordinance and the two proposed Civil Rights Ordinances are available. He announced that City Clerk, Marilynn Slade has plans for a full scale site in the immediate future.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letters and Cards in opposition, or support, of the two proposed Civil Rights Ordinances as follows:

Opposition:
11 Cards from Residents of the 1st Ward
Letter from the Rutherford Institute
Letter from James M. O'Connor of 2811 Sunderland
Letter from Leora J. O'Conner of 2811 Sunderland
Letter from Shannon Eifert of Parkwood Dr.

Support:
19 Letters from members of the Lansing Equal Rights Task Force

REFERRED TO THE COMMITTEE OF THE WHOLE

B. Letter from Darryl Burgess of 1407 Prospect regarding the sale of the Civic Arena submitting a FOIA request for documents

REFERRED TO THE CITY ATTORNEY

C. Petition for PRD-01-96, Provincial House Dr. E. of Aurelius Rd. (2 Blocks nest to Manhatten Condominiums) filed by The Vanda Co. of 4921 W. St. Joseph to allow for construction of a 24 unit Townhouse Style Condominium Development

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Letter from Continental Cablevision notifying Councilmembers that Continental has agreed to merge

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its business into U.S. West Media Group

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON GENERAL SERVICES

E. Letter from Teamster & Chauffeurs Local Union No. 580 requesting copies of City Council findings and recommendations with regard to the regionalization of City Services

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

F. Letter from Lloyd Teets of 116 E. Elm St. regarding the Rain Tax (Stormwater Enterprise Fund fees)

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

MAYOR'S COMMENTS

Mayor Hollister reported that his letter (on tonight's agenda as Item IX D-2) refers to the Governor's Council on Physical Fitness which has plans for Olympic Games in Lansing on June 1st. It will include a Torch Run from Sault Ste. Marie. They anticipate attendance of over 10,000 participants. The ceremonies will begin and end in Oldsmobile Park, as will this year's Michigan Run, which will be called the 'Oldsmobile Run' this year. He reviewed item IX D-3, a letter of thanks to the staff at the Lansing Center for excellent service.

CITY OFFICER AND BOARD REPORTS

a. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Annual Board Report submitted from:

-Economic Development Corporation and Tax Increment Finance Authority
-Electrical Board
-Mechanical Board

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. Alexander Bolt v City of Lansing

RECEIVED AND PLACED ON FILE

2. Estate of Edward Swans v City of Lansing, et al

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Transfer of Funds: Parks and Recreation, General Administration

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Letter of appreciation from Charles T. Kuntzleman, Chair of the Governor's Council on Physical Fitness, Health and Sports

RECEIVED AND PLACED ON FILE

3/ Letter of appreciation from J. Bryan LeGwin of Resource Information Associates, Inc. to Mike Barber of the Lansing Center

RECEIVED AND PLACED ON FILE

4/ Amendment to Chapter 206 of the Code of Ordinances, Purchasing Ordinance

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

RESOLUTIONS

RESOLUTION #109
BY THE COMMITTEE ON GENERAL SERVICES
AND
THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Administration has recommended that a Second Annual Spring Fling be held on April 1 and 2, 1996, at Harry Hill Center; and

WHEREAS, the majority of costs pertaining to this event are expected to be recovered through donations from various community businesses and programs; and

WHEREAS, if such revenues do not materialize, or expenses prove greater than estimated, an alternative source of funding is needed; and

WHEREAS, Thirty Thousand Dollars ($30,000) of funds are currently available in the Miller Road Youth Activities Millage Account, and are available to support this and other programs,

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby amends its policy on the use of the Miller Road Youth Activity Account to allow the expenditure of these funds for youth programs and activities on a City-wide basis; and

BE IT FURTHER RESOLVED, that the Administration is authorized to fund any shortfall in projected revenues or increase in projected costs through utilization of the funds set aside in the Miller Road Youth Activities account as amended by this policy; and

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BE IT FINALLY RESOLVED, that any other proposed expenditures from this account are required to be reviewed and approved by the City Council prior to implementation.

By Councilmember Beal

To accept a substitute resolution for the original placed in the Council Packet and to place an affirmative roll on the substitute resolution

Carried unanimously

RESOLUTION #110
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following Transfers be approved:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$8,000	Police-uniform Salaries 101-343251-702000-0	Police Dept.-Control 101-343201-992200-0
$8,000	Police Dept.-Control 101-343201-992200-0	Capital Improvements-Control 101-933901-992200-0
$8,000	Capital Improvements Control 101-933901-992200-0	Operating Transfers-410 Fund 101-933901-991410-0
$8,000	Estimated Revenues-410 Fund 410-0-170001-0	Infrastructure-Equipment 410-933690-977000-43821

(Balance of estimated costs for workstations and security door locks for S. Precinct. Revenue detail account 410-0-991101 Operating Transfers GF.)

By Councilmember Beal

Carried unanimously

RESOLUTION #111
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Bennie and Magnolia Porter were married on March 11, 1936, in Columbia, Tennessee, by the Reverend Thomas Jones; and

WHEREAS, Bennie was born in Columbia on November 29, 1910, and Magnolia was born in Lewisburg, Tennessee, on May 31, 1915; and

WHEREAS, the Porters moved to Lansing in 1950, where Bennie worked for Oldsmobile over a 23-year career, and Magnolia continued to give piano lessons, as she has for over 60 years; and

WHEREAS, Bennie and Magnolia have two daughters and eight grandchildren, and are members of the Trinity A.M.E. Church;

NOW, THEREFORE, BE IT RESOLVED Lansing City Councilmembers join with family and friends to wish Bennie and Magnolia good health and happiness as they celebrate their 60th Wedding Anniversary on March 10, 1996.

By Councilmember Leeman

Carried unanimously

RESOLUTION #112
REPORT OF COMMITTEE
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS

TO WHOM WAS REFERRED: a letter from Mr. Shane Bolley, Bath Charter Superintendent regarding the sale of a City of Lansing parcel known as Priggooris Park.

REPORTS AS FOLLOWS: The Committee held discussions on this issue with Superintendent Bolley and the Chief Assistant City Attorney and considered the request by Bath Township that certain conditions be attached to the sale, if the property were sold. The conditions are:

1. That Bath Township have prior approval of the Conceptual Site Plan.

2. That the City of Lansing resolve the zoning issue.

The Committee did not take action on this request but referred it to the Development and Planning Committee for consideration during their review of the property sale.

SIGNED

Councilmember Bauer
Councilmember Leeman, Jr.
Councilmember Novak

BY COUNCILMEMBER BAUER.

That the Report of the Committee be Adopted.

Carried unanimously

BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Whereas, members of the Immanuel'S Temple Community church will honor their Pastor and First Lady on Saturday, March 9, 1996, at an Expectation Shower for their third child; and

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WHEREAS NO TWO PEOPLE ARE MORE DESERVING OF THIS HONOR THAN A PASTOR AND FIRST LADY WHO HAVE GIVEN WHOLLY OF THEMSELVES TO FOLLOW GOD IN OBEDIENCE, NO MATTER THE COST. THEY CONSTANTLY PRAY AND "WATCH" FOR THE CITY OF LANSING. THEY HAVE EVEN RAISED UP A "PECULIAR PEOPLE" IN THE CITY OF LANSING KNOWN AS IMMANUEL'S TEMPLE COMMUNITY CHURCH WHO REALIZE THAT THE FATE OF ANY GREAT CITY IS IN THE PRAYERS OF THE SAINTS. IT IS THIS CALIBER OF PASTOR AND FIRST LADY WHO HELP KEEP A CITY SOCIALLY HEALTHY AND PROSPEROUS;

NOW, THEREFORE, BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY JOINS WITH THE CONGREGATION OF IMMANUEL'S TEMPLE COMMUNITY CHURCH IN CONGRATULATING REVEREND PHILLIP OWENS, PASTOR, AND MRS. PATRICIA OWENS, FIRST LADY, AS THEY AWAIT THE BIRTH OF THEIR THIRD CHILD.

BY COUNCILMEMBER NOVAK

THAT RESOLUTION #105, ADOPTED ON MARCH 4, 1996, RESOLUTION OF TRIBUTE TO MR. PHILLIP AND MRS. PATRICIA OWENS, BE RECONSIDERED AT THIS TIME

CARRIED UNANIMOUSLY

BY COUNCILMEMBER NOVAK

THAT AN AFFIRMATIVE ROLL BE PLACED ON THE ABOVE STATE RESOLUTION OF TRIBUTE TO MR. & MRS. OWENS

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS BAUER, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBER LILLY

ABSENT: COUNCILMEMBERS ALLEN, BEAL, BENAVIDES

COMMITTEE OF THE WHOLE DISCUSSION

BY COUNCILMEMBER ALLEN

THAT THE COUNCIL DO NOW RESOLVE ITSELF INTO A COMMITTEE OF THE WHOLE TO CONSIDER THE FOLLOWING ITEMS:

A. POTTER PARK ZOO PROJECT PROPOSAL

SEE SPECIAL CEREMONIES FOR INFORMATION REGARDING PRESENTATION OF THE REPORT.

BY COUNCILMEMBER ALLEN

THAT THE POTTER PARK ZOO MASTER PLAN BE REFERRED TO THE COMMITTEES ON PUBLIC SERVICES AND WAYS AND MEANS FOR EXPLORATION OF MORE IN-DEPTH INFORMATION

CARRIED UNANIMOUSLY

B. PROPOSED AMENDMENTS TO CHAPTER 290, CONFLICTS OF INTEREST (ETHICS ORDINANCE)

CITY ATTORNEY SMIERTKA DESCRIBED THE DEVELOPMENT OF THE PROPOSED ORDINANCE. HE SAID THAT THERE ARE TWO TYPES OF ETHICS ORDINANCES; THOSE THAT ATTEMPT ETHICS OF ASPIRATION, AND THOSE THAT ATTEMPT ETHICS THROUGH MICRO-MANAGEMENT. THE ORDINANCE THAT IS UNDER CONSIDERATION TONIGHT IS MORE AN ORDINANCE OF MICRO-MANAGEMENT.

COUNCILMEMBER LILLY SAID THAT THE ORDINANCE, AS PROPOSED, SEEMS TO GO BEYOND CITY CHARTER GUIDELINES WHICH ARE IN ACCORDANCE WITH STATE STATUTES. HE ASKED THE CITY ATTORNEY WHAT AUTHORITY WOULD ALLOW THE ETHICS BOARD TO GO BEYOND IT'S CHARGE IN DEVELOPMENT OF THIS ORDINANCE. THIS ORDINANCE CLEARLY GOES FAR BEYOND WHAT STATE LAW ALLOWS. ADDITIONALLY HE IS CONCERNED THAT THERE IS NO DUE PROCESS WRITTEN INTO THE COMPLAINT PROCESS. HE WANTS TO SEE A PROCEDURE FOR NOTIFICATION OF THE COMPLAINT TO THE INDIVIDUAL NAMED IN THE COMPLAINT. ADDITIONALLY, THE PROVISION REGARDING CONTRIBUTIONS TO CANDIDATES IS UNENFORCEABLE AND SHOULD NOT BE IN THE ORDINANCE.

COUNCIL PRESIDENT JONES AGREED WITH COUNCILMEMBER LILLY'S STATEMENTS, SAYING, THAT SITTING ON A COMPLAINT FOR 30 DAYS OR MORE, VIOLATES DUE PROCESS AND THE SUBJECT INDIVIDUAL'S CONSTITUTIONAL RIGHTS. ALSO, THE ORDINANCE SHOULD BE WRITTEN IN LAYMEN'S TERMS NOT LEGALESE.

CITY ATTORNEY SMIERTKA SAID THAT THE BOARD ATTEMPTED TO DO A COMPLETE JOB WITH THE CHARGE THEY WERE GIVEN.

COUNCILMEMBER NOVAK ENTERED THIS MEETING OF THE LANSING CITY COUNCIL AT 9:35 P.M. AND ENTERED THE DEBATE ON THE ETHICS ORDINANCE, SAYING, THAT THE SECTION THAT DEALS WITH CONTRIBUTIONS TO CANDIDATES WILL ALWAYS BE HARD TO PROVE, BECAUSE, THEY ARE TALKING ABOUT BRIBERY. BRIBERY IS ALWAYS HARD TO PROVE. THE ONLY PROVEN CASE HE IS AWARE OF IS THE ABSCAM CASE IN WASHINGTON, HOWEVER, WITHOUT THE LANGUAGE CONTAINED IN THIS SECTION THE CITY COULD NOT DO ANYTHING ABOUT BRIBERY CASES.

COUNCILMEMBER BEAL LEFT THIS MEETING OF THE LANSING CITY COUNCIL AT 9:20 P.M. AND WAS EXCUSED BY PRESIDENT JONES.

COUNCILMEMBER LILLY CITED A LIST OF PROBLEMS HE HAS WITH THIS ORDINANCE; 1. PAGE 11, LINES 8-9-10, THE LANGUAGE NEEDS DEFINITION. 2. PAGE 13, LINE 5, THE ORDINANCE SHOULD PURSUE DISCLOSURE, NOT PROHIBIT VOTES. 3. PAGE 22, LINE 9 REQUIREMENTS FOR REPORTING ALL DEBTS IN EXCESS OF $5,000 OWED BY OR TO INDIVIDUALS DOING BUSINESS WITH THE CITY. PAGE 10, LINE 12, THE LANGUAGE STRICKEN BY THE ETHICS BOARD SHOULD BE LEFT IN AND THIS SECTION SHOULD BE LEFT AS IT IS CURRENTLY WRITTEN IN THE CODE.

COUNCILMEMBER BAUER SAID THAT SHE DOES NOT WANT TO SEE AN ORDINANCE CREATED THAT DOES NOT ADDRESS THE BEHAVIOR THAT WAS PART OF THE DEVELOPMENT OF THE 1992 EARLY RETIREMENT PLAN.

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Councilmember Allen stated an objection to the language contained on Page 10, line 3. She does not feel there should be a dollar amount assessed. any gift, of any value, should be a violation of the ordinance.

Councilmember Novak said that it makes sense to have a dollar amount for gifts established. If the amount is exceeded, the individual receiving the gift can pay the difference. The only questionable area is when you receive a gift and estimate it's worth as very close to $50.

Councilmember Lilly said that his point is that the Charter is basically consistent with State Law and this ordinance seems to go beyond what the Charter calls for.

City Attorney Smiertka said that there is no provision in State Law for the receipt of gifts by City Employees.

Councilmember Leeman asked City Attorney Smiertka to review Pages 18, 19 and 20 - 25, with regard to the requirements for financial disclosure by City Employees. He asked what types of forms would have to be filed, who would be responsible for the administration of the disclosure program, are existing staffing levels adequate to cover the disclosure program and how much of an extra work load would the program be? He asked the City Attorney if all Board Members would have to file the financial disclosure forms.

City Clerk Slade responded that her office would be responsible for maintaining files on the disclosures and for sending out reminder notices. Depending on how many employees would be affected, (defined by the salary limit) it would take about ½ of a full time position,

City Attorney Smiertka said that only members of Review and Administrative Boards would be required to file, for example; Planning Board, Zoning Board, Board of Water & Light, Ethics Board, Board of Police Commissioners.

Councilmember Leeman requested a list of the number of people affected by this requirement.

Councilmember Novak noted that a broad disclosure requirement may force some people to refrain from serving on City Boards. The disclosure requirements for voluntary service on a City Board should be much lower than for elected officials and staff members. He suggested that the $40,000 salary limit be deleted and replaced with a definition that breaks down supervisory positions with policy making requirements. Additionally, he is concerned about the issue of elected officials, or others in the administration, exercising apparent authority that they do not have. As in; an individual making a representation that they will, or can do something, and that representation assumes the power to do something that they cannot do. This type of thing can cause liability for the City. he would like the City Attorney to address this specific issue.

City Attorney Smiertka said that the $40,000 salary figure is arbitrary. It can, and probably should, be amended by City Council to include only employees in policy making positions. The Board of Ethics is aware of this fact.

Councilmember Lilly disagreed with Councilmember Novak's request saying that you cannot make someone responsible for every single thing they say. The City should not be trying to micro-manage ethics. We should be dealing with an ordinance of aspiration. Putting a section like that in the ordinance would be a violation of first amendment rights of Councilmembers to speak.

Councilmember Leeman asked the City Attorney to develop language for "Whistle Blower" protection.

City Attorney Smiertka stated that State Law provides a remedy much stronger than the City could ever provide in an ordinance.

Councilmember Allen stated that there are many questions about the ordinance in several different sections. She asked her colleagues what their feeling is about the correct direction to take. Do they wish to continue with micro-management of ethics, or do they want an ordinance that goes to ethics of aspiration?

Councilmember Lilly said that this ordinance does not in any way resemble what the Mayor's Ethics Committee expected to see developed.

Councilmember Leeman asked City Attorney Smiertka to take the concerns expressed here tonight and re-draft the ordinance.

Council President Jones asked that the language be drafted in laymen's terms and that it strive for simplicity. Also, that the focus be adjusted to make it aspirational rather than micro-managerial.

By Councilmember Novak

That the Ethics Ordinance as proposed be referred to the City Attorney for re-drafting and that a working session be scheduled for review of the new draft in detail, in a non-Monday night Committee of the Whole meeting

Carried unanimously, Councilmember Beal absent for this vote

C. Baseball Ticket Policy

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City Attorney Smiertka distributed drafts of a City of Lansing Promotion Ticket Policy, and of a Use Policy for Oldsmobile Park.

Councilmember Lilly noted that the City needs to get these policies in place prior to opening day. The Promotion Ticket Policy allows Councilmember's to use tickets for community use, however, if they are used for personal use (such as for the use of wives and families), the ticket cost would have to be paid by the Councilmember. A release would be required to be filed in the case of community use that states that the tickets are being used for city related business. The same situation applies for use of the Suite. It cannot be used for political fund raising activities. The Authority must be informed of intent to use the Suite by 11:00 A.M. on game day. The Council is eligible to use the Suite once per month. Scheduling is done through the Mayor's Office.

Councilmember Leeman asked the City Attorney if the Promotion Ticket Policy should be reviewed by the Ethics Board.

City Attorney Smiertka responded that the provision that requires Councilmembers to pay for tickets that will be used on a personal basis would negate any kind of conflict or appearance of conflict.

By Councilmember Lilly

That the policies for Promotion Ticket use and for Oldsmobile Park Use be placed in Resolution form and placed on the March 18, 1996 City Council Agenda for adoption.

Carried unanimously, Councilmember Beal absent for this vote

Councilmember Allen left this meeting of the Lansing City Council at 11:10 P.M.

D. City Hall Building Garage & Basement Video

Councilmember Leeman presented a video of a tour of the City Hall basement and sub-basement. The video showed instances of infrastructure damage. Additionally Councilmember Leeman displayed a large (approximately 3' by 1') chunk of concrete that fell off of the ceiling in the basement.

Council President Jones asked if the Public Services Department would be making recommendations regarding the need for repair of the City Hall structure.

Councilmember Leeman reported that the Administration is putting something together to go into the 1996 Budget to address the infrastructure needs of City Hall.

Councilmember Novak noted that this building Is on a huge list of City owned buildings whose infrastructure needs must be addressed. He suggested that the Public Service Department compile a prioritized list of these buildings and their specific needs and have it available during budget deliberations.

E. Approval of Committee of the Whole Minutes of April 26, April 29, February 26, and March 4, 1996

By Councilmember Lilly

To approve the minutes of the Committee of the Whole Minutes of April 26, and April 29, 1995; and of February 26, and March 4, 1996.

Carried unanimously, Councilmembers Allen and Beal absent for this vote

F. Review of Consent Agenda Items for the March 18, 1996 City Council Meeting

At the request of Councilmember Lilly, the Resolution approving SLU-11-95, was pulled from the list of Consent Agenda Items, it will be placed on the March 18th City Council agenda under Resolutions for Action.

At the request of President Jones, the resolution approving a change of intent for installation of swimming pool liners, was pulled from the list of Consent Agenda items and will be placed on the Agenda under Resolutions for Action.

By Councilmember Lilly

To place the items listed on the Consent List, excepting the two resolutions stated above, on the March 18, 1996 Council Agenda for approval under Consent Matters

Carried unanimously

G. Committee Report from the Intergovernmental Relations Committee referring the issue of the Sale of Priggooris Property to the Committee on Development and Planning

Councilmember Bauer explained the report of Intergovernmental Affairs Committee and asked that the Sale of Priggooris Property be referred to the Committee on Development and Planning and that the Committee Report be adopted during Suspension of the Rules

By Councilmember Leeman

That the vote on acceptance of Consent Agenda Items be re-considered

MOTION FAILED BY THE FOLLOWING VOTE:

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YEAS: 4

NAYS: 1

ABSENT: 2

By Councilmember Lilly

That the Committee of the Whole do now rise

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a Resolution approving Transfer of Funds for the South Side Precinct

HANDLED AS RESOLUTION #110

2. From Councilmember Allen; a letter from Karl N. Benghauser of 1804 Shubel Ave. regarding the provision of free parking to members of the media

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3. From Councilmember Allen; a letter from Rich Kolaskey of 109 Lincoln Ave. regarding the Patio Parties at Coscarelli's Sports Bar

REFERRED TO THE MAYOR

4. From Councilmember Allen; a letter from Margaret A. Bossenbery of 2331 Devonshire regarding a problem she is experiencing in the Capitol Ave. Parking Ramp

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

5. From Councilmember Allen; a request that Resolution #105 adopted on March 4, 1996 be reconsidered and a substitute resolution be adopted replacing it

THE MOTION TO RECONSIDER ADOPTION OF RESOLUTION #105 WAS CARRIED UNANIMOUSLY; THE SUBSEQUENT MOTION TO PLACE AN AFFIRMATIVE ROLL ON A REPLACEMENT RESOLUTION FAILED BY A 4/1 VOTE

6. From Councilmember Leeman; a Resolution of Tribute to Bennie and Magnolia Porter

HANDLED AS RESOLUTION #111

7. From Councilmember Leeman; a request that the rules be suspended to Add a Section to the Agenda for a Special Ceremony, and to allow the Potter Park Zoo Master Plan Report to be presented as a Special Ceremony following the consideration of late items

THE RULES WERE SUSPENDED AND THE POTTER PARK ZOO MASTER PLAN REPORT WAS PRESENTED DURING A SPECIAL CEREMONY

8. From Councilmember Bauer; a Committee Report from the Intergovernmental Relations Committee referring the issue of the Sale of Priggooris Property to the Committee on Development and Planning; and a request that the Committee Report be discussed under the Committee of the Whole Discussions

HANDLED AS RESOLUTION #112

9. From Councilmember Bauer; a letter from Mayor Hollister stating his intent to submit an Ordinance to add a new Chapter to the Code of Ordinances for the purpose of establishing a Principal Shopping District

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

MOTION OF EXCUSED ABSENCE

By Councilmember Novak

To excuse Councilmember Benavides from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

Lloyd Teets of 116 E. Elm St. said that he cannot agree with Councilmember Lilly's remarks regarding the proposed ethics ordinance amendment. He wants more specificity in the ordinance not less. If a major revision of the ordinance is done, a second public hearing should be scheduled to consider the revised edition. He objected to attorneys on behalf of Churches doing an "end run" around the Public Service Committee and holding negotiations with the City Attorney regarding the Stormwater Enterprise Fund Fees.

Vivian Bloom of 227 S. Eighth St. spoke regarding the houses that were issued orders for Make-safe or Demolish at last Monday's meeting. There are currently 292 houses in the demolition program. The City must get these houses into shape.

Paul Scott of 412 W. Kilborn thanked Councilmember Beal for the Ways and Means Committee Meeting that was televised last Wednesday. It is unfortunate that Mr. Bolt and CCSL will not give the Public Services Committee an opportunity to take care of the rain tax issue (Stormwater Enterprise Fund fees). Premature law suits do nothing other than give undue publicity to an issue. He disclaimed having gone to the media with the Brockwell issue.

COUNCILMEMBERS COMMENTS

Councilmember Lilly said that the Public Services Committee has requested a report of the line items contained within each element of the Stormwater

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Enterprise Fund. There are six different categories. They want an accounting of figures that went into the report. He requested this information prior to the next Public Services Committee meeting. He confirmed the regularly scheduled meeting of the Development and Planning Committee tomorrow at 4:00 P.M. where they will take up the issue of the Sale of Priggooris Property, as well as Parking and Downtown Development Projects. He asked when the Public Service Committee would take up the issue of the Stormwater enterprise fund ordinance.

Councilmember Novak reported that he, along with members Allen, Bauer and Leeman visited neighborhood associations on Saturday. They discussed the need for a City-wide report on Foster Family Group Homes within the City. The Lansing Neighborhood Council would like to participate in discussions with the Planning and Development Committee regarding a City-wide policy for even distribution of group homes in all areas of the city.

Councilmember Leeman reported that the Public Services Committee will not meet this week, but will take up the issue of the stormwater enterprise fund ordinance at their meeting next Wednesday. He reported that another issue that came out of the Neighborhood Association meeting was that neighborhood associations would like the City Council and the Administration to develop a set of goals and objectives for the completion of specified projects within a calendar year.

Council President Jones reported that LEPFA will be meeting with the City Market Vendors next week and an operating agreement should be reported out shortly. They are expected to appoint an executive director in the near future, and also to deal with the lease issue.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener said that the Administration would be glad to make a presentation to the Public Services Committee with regard to the stormwater enterprise fund methodology. They have had discussions with the religious community, not negotiations, discussions! They would like to discuss the installment payment plan system for future payments. The administration has been looking at the religious freedom of restoration act to see if it requires any adjustments for religious entities for the stormwater enterprise fund fees. The deadline for the first payment to the Fund is March 15. They are encouraging people to make arrangements with the Public Services Department to make charge payments. Payments can also be made by September 15, 1996 and December 15, 1996 with the addition of a small service charge. To date, 1/3 of Lansing residents have made their Stormwater Enterprise Fund payments, including 25% of churches.

He distributed copies of the Capital Improvements Plan Status Projects and Priorities.

ADJOURNED 11:50 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS MARCH 18, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was presented by Councilmember Allen, and the Pledge of Allegiance was led by the Students of Woodcreek Elementary School

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a request that the rules be suspended to allow for the addition of a special ceremony for a presentation by the Mayor's Drug Free Youth Task Force

2. From Councilmember Leeman; a request that the rules be suspended to allow for the addition of a special ceremony for the presentation of a resolution of tribute to George Harlow

SPECIAL CEREMONIES

A. Bob Varner, Chair of the Drug Free Youth Task Force, along with Task Force members Jerry King and Frank Manning presented Mayor Hollister with a check for $9,000. Mayor Hollister thanked Mr. Varner and the other Task Force members for the contribution, which he said, will be used for youth programming in the City.

B. Councilmember Harold Leeman, along with Parks & Recreation Director R. Eric Reickel, presented a resolution of tribute and the gift of a Groesbeck Golf Course Golf Shirt to George Harlow in recognition of his 25 years as a Parks Board member. Mr. Harlow thanked Councilmember Leeman and Mr. Reickel for the tribute and gift, and urged the citizens of Lansing to continue to support the Parks Millage, which allows the Parks Board and the Parks and Recreation Department to provide the City with such a great Parks System.

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. said that the Council ought to be able to get a better deal from the Administration for the use of the City of Lansing Host Suite at Oldsmobile Park. This policy only entitles them to one event per month. This is not equality.

Robert Gibbs of 2613 Delta River Dr. thanked the students of Woodcreek Elementary School for their musical presentation prior to the City Council meeting.

THE FOLLOWING PEOPLE APPEARED AND SPOKE IN OPPOSITION TO THE TWO PROPOSED CIVIL RIGHTS ORDINANCES:

-Robert Gibbs of 2615 Delta River Dr.
-Gary Granger of Lansing Christian Schools
-James J. Jackson of 3121 Nonette
-Thomas Hruska of 2414 Newport Dr.
-Jeff J. Visscher of 208 Cole Blvd.
-Jenny Schans of 4233 N. Grand River
-Eric V. Snow of 1418 -A Spartan Village
-David Foreman of 2423 Springdale Dr.
-Lori Phillips of P.O. Box 80721
-Ronald J. Brittain of Box 152 Eaton Rapids
-Theatrice Verser of 1127 W. Allegan
-Bernie Meissner of 635 LaSalle Blvd.
-Frank S. Curtis "X" no address given
-Brian Barkley of 715 Emily
-Ron Helzerman of 2007 Irene

AND THE FOLLOWING PEOPLE APPEARED AND SPOKE IN SUPPORT OF THE TWO PROPOSED CIVIL RIGHTS ORDINANCES:

-Bracley Scheckinger, no address given
-Jim Phillips, no address given
-Linda Henderson, no address given
-Bob Egan, no address given
-Cheryl VanDeKerkhove, no address given
-Ed Eckart of 450 West St.
-Joanne Pohl of 2840 Norwich Rd.
-Steve Clark of 2815 E. Jolly Rd. #302

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-Edna Whittier of 1400 Vondel in Holt
-Amy Cauns of 300 W. Grand River Ave.
-Cindy Lehmkuhle of 303 S. Holmes
-Lloyd Teets of 116 E. Elm St.
-Camille Johnson of 2245 Stoneleigh Dr.
-William R. Conant of 1012 Cleveland
-Martha Kwant of 421 N. Fairview
-Susan Dougherty of 229 Moores River Dr.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Neighbors United in Action of 840 Baker St. requesting waiver of the fee for use of the Lansing Parks and Recreation Showmobile for a NUIA Fund Raiser to be held June 7, 1996

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON WAYS AND MEANS

B. Requests for Non-profit Recognition filed by:

1. Southside Community Kitchen of 2727 W. Holmes Rd.
2. Black Men Incorporated of Greater Lansing of P.O. Box 13182

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE CITY ATTORNEY

C. Letter from Oldsmobile Division General Motors Corporation 920 Townsend in support of a joint City/Boys & Girls Club Community Center

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. Letter from Bryan Land Surveys, P.C. submitting Preliminary Plat for Wise Estates at 5800 - 5900 Wise Rd.

REFERRED TO THE MAYOR AND THE PLANNING BOARD

E. Notice from the State of Michigan Department of Environmental Quality of application for a permit for construction In a floodplain filed by Tom Arnold of 200 E. Grand River to allow for construction of an 8' wide by 60' long deck to extend over the Grand River attached to an existing building

REFERRED TO THE MAYOR AND THE RIVER AND WATERFRONT BOARD

F. Notice from the State of Michigan Department of Environmental Quality of intent to modify a discharge permit issued to the Lansing Board of Water & Light for a facility at 601 Island Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE MAYOR

G. Letter from Continental Cablevision regarding their Customer Service Policies

RECEIVED AND PLACED ON FILE

H. Letter from Continental Cablevision regarding their Social Contract

REFERRED TO THE CABLE AND TELECOMMUNICATIONS BOARD

I. Claim of Patricia Goins of 2017 Northwest Ave. for nuisance fees at 1121 N. Jenison Ave.

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON GENERAL SERVICES

J. Letter from the Michigan Municipal League regarding their Annual Regional Meeting in Middleville on April 25, 1996

REFERRED TO THE MAYOR

K. Letters regarding the two proposed Civil Rights Ordinances as follows:

-18 Letters in Opposition
-101 Letters in Support

Councilmember Lilly asked that it be noted, for the record, that the letters in opposition to the civil rights ordinances break down as follows; 14 from residents of the City of Lansing and 4 from non-residents. And that the letters in support of the civil rights ordinances Break down as: 27 from residents of the City of Lansing and 74 from non-residents.

By Motion of Councilmembers Novak and Beal receipt of the following were added to the above stated letters:

-10 Letters in Support
-29 Letters in Opposition

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RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister spoke against the resolution for the sale of the Washington Square Annex to City Hall to the Granger Company's Capitol Annex Limited Liability Company. He supports the Vlahakis proposal for the purchase of that property. The City, he said, should encourage new partnerships in Downtown. Granger is already a player in the downtown business and development scene, whereas, Vlahakis currently is not. Approving the resolution on tonight's agenda postpones new development Downtown. He feels this is the wrong message to send to potential developers and requests that Council reconsider their position on this sale.

He stated his strong support for the two proposed Civil Rights Ordinances, saying, this is a simple principal of justice. Should the official policy of the City of Lansing be one that tolerates discrimination, or should it be one that prohibits discrimination against anyone. He stated that he has committed his entire adult life to fighting discrimination of all kinds.

Councilmember Beal reported hearing Mayor Hollister on a local call-in show last Friday, in which he criticized City Council for funding a study for the evaluation of the Board of Water & Light, because he objects to the cost of the study. She is puzzled by his statement because Council asked the Mayor for his recommendation on this issue last month and did not receive a response.

Mayor Hollister responded that it is counter productive to focus on the past. One of the elements of the study is the Belle River Project. This project was done when he was still in the legislature and someone else was Mayor. There can be no positive affect from rehashing this past action. The gathering of information should not be cone in a hostile environment. Some Councilmembers have taken certain actions to challenge the ethics of the manager of the Board of Water & Light at a time when the development of the Ottawa Street Power Station was in negotiations.

Councilmember Beal stated that it was not Councilmembers, nor Council staff members that contacted the press with regard to the complaint to the Ethics Board about Mr. Pandy. However, the City Attorney and the Public Services Director have urged Council to go forward with the Study of the Board of Water & Light. This is not an idea that Councilmembers sucked out of their thumbs. Perhaps the Mayor should not be so adversarial.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk submitting Licenses and Bonds for Referral:

Referral: Transfer Class C Perpetual Investments, Inc. 727 E. Miller Rd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Transfer of Funds: Police Department, Fire Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Trash Violation Fee (V-12) $1,853.26

RECEIVED AND PLACED ON FILE

CONSENT MATTERS

RESOLUTION #113

By Councilmember Benavides

That all Consent Agenda Items be approved as submitted and an affirmative roll attached

Carried unanimously

RESOLUTION #113A-1

REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the letter from Boubpha ounsombath of MeKong Restaurant asking for a free Class C quota liquor license,

REPORTS AS FOLLOWS: The Committee reviewed the request and authorized the staff to prepare a response. The staff has received confirmation from the Liquor Control Commission that one

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CLASS C QUOTA LICENSE IS AVAILABLE. THE COMMITTEE, FOLLOWING THE COUNCILLS PAST PRACTICE, INTENDS TO HOLD THIS LICENSE IN RESERVE AS AN ECONOMIC DEVELOPMENT INDUCEMENT FOR A MAJOR NEW INVESTMENT IN THE COMMUNITY. THE CURRENT REQUEST WILL BE ADDED TO THE FILE OF APPLICATIONS FOR A FREE LIQUOR LICENSE. THIS REPORT IS FOR INFORMATION ONLY, AND NO COUNCIL ACTION IS REQUIRED AT THIS TIME.

SIGNED: TONY BENAVIDES
JOAN BAUER
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #113A-2

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, K.Z. MANAGEMENT SERVICES, INC. (STOCKHOLDER: FAROUK ZEER, FARMINGTON HILLS, MICHIGAN), HAS APPLIED TO THE MICHIGAN LIQUOR CONTROL COMMISSION TO TRANSFER OWNERSHIP OF A 1995 CLASS B-HOTEL LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 6501 SOUTH PENNSYLVANIA AND DOING BUSINESS AS DAYS INN LANSING-SOUTH, FROM IGNATIUS DELLIS, GEORGE E. FRITZ AND KATHERINE ANN VALLIER; AND

WHEREAS, THE CITY CLERK HAS REPORTED THAT THE APPLICATION HAS BEEN REVIEWED AND APPROVED BY APPROPRIATE CITY STAFF; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS REVIEWED THIS MATTER AND RECOMMENDS THAT THE APPLICATION BE FORWARDED TO THE COMMISSION WITH A POSITIVE RECOMMENDATION;

NOW, THEREFORE, BE IT RESOLVED BY THE LANSING CITY COUNCIL THAT THE REQUEST FROM K.Z. MANAGEMENT SERVICES, INC. (STOCKHOLDER: FAROUK ZEER, FARMINGTON HILLS, MICHIGAN), TO TRANSFER OWNERSHIP OF A 1995 CLASS B-HOTEL LICENSED BUSINESS WITH DANCEENTERTAINMENT PERMIT, LOCATED AT 6501 SOUTH PENNSYLVANIA AND DOING BUSINESS AS DAYS INN LANSING-SOUTH, FROM IGNATIUS DELLIS, GEORGE E. FRITZ AND KATHERINE ANN VALLIER, IS HEREBY RECOMMENDED FOR APPROVAL.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #113A-3

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS REVIEWED A REQUEST FROM MEMBERS OF THE LANSING POLICE DEPARTMENT FOR A DONATION OF $3,000 TOWARD THE COST OF A CHARITY FOOTBALL GAME BETWEEN THE POLICE DEPARTMENT AND THE LANSING FIRE DEPARTMENT, TO BENEFIT THE POLICE ATHLETIC LEAGUE; AND

WHEREAS, THE COMMITTEE RECOMMENDS THAT THE COUNCIL APPROVE THE AMOUNT OF $1,500 FROM THE COMMUNITY PROMOTIONS ACCOUNT, WITH THE MAYOR PROVIDING THE REMAINING $1,500 FROM AN ACCOUNT UNDER HIS CONTROL, TOWARD A CONTRACT WITH THE POLICE ATHLETIC LEAGUE TO SPONSOR THIS COMMUNITY EVENT;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE RECOMMENDATION OF THE COMMITTEE ON GENERAL SERVICES TO AUTHORIZE A $1,500 EXPENDITURE FROM ACCOUNT NUMBER 101112101-741200-0 FOR THE PURPOSE OF ENTERING INTO A CONTRACT WITH THE POLICE ATHLETIC LEAGUE TO SPONSOR 'THE LANSING 911 FOOTBALL CLASSIC' AS A COMMUNITY EVENT ON MAY 4, 1996; AND

BE IT FURTHER RESOLVED THE MAYOR IS AUTHORIZED TO ENTER INTO SUCH CONTRACT AND DISBURSE FUNDS AS ALLOCATED.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #113B-1

REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, TO WHOM WAS REFERRED STATUS OF PROJECTS AT GIER PARK BALLFIELD AND CONCESSION AREA,

REPORTS AS FOLLOWS: THE COMMITTEE RECEIVED AN UPDATE FROM THE DIRECTOR OF PARKS AND RECREATION, WHO PROVIDED A REPORT FROM THE RICHARD BENEDICT DESIGN GROUP CONTAINING RECOMMENDATIONS. THE REPAIRS AND IMPROVEMENTS RECOMMENDED ARE ESTIMATED TO COST ABOUT $120,000. ACCORDING TO A REPORT FROM LANDSCAPE ARCHITECTS AND PLANNERS, INC., AN ESTIMATE FOR IMPROVEMENTS TO THE PLAZA AREA, BASED ON BIDS SUBMITTED, WAS $71,000.

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Electrical work will be done in time for the coming season. Holes in the restrooms need to be patched. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #113B-2
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Earl K. Wolf, 1710 Nottingham, to an At-Large position on the Park Board to fill a vacancy, for a term to expire June 30, 1999; and

WHEREAS, the Committee on Public Services has interviewed the appointee and found him to be exceptionally qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Earl K. Wolf to an At-Large position on the Park Board, for a term to expire June 30, 1999.

By Councilmember Leeman

Carried unanimously

RESOLUTION #113B-3
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has re-appointed Sally Laurion, 2704 victor, to the Third Ward position on the Park Board, for a term to expire June 30, 1999; and

WHEREAS, the Committee on Public Services declined to interview the appointee, and the Committee recommends that the reappointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the re-appointment of Sally Laurion to the Third Ward seat on the Park Board, for a term to expire June 30, 1999.

By Councilmember Leeman

Carried unanimously

RESOLUTION #113B-4
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Mayor Gerald Graves, appointment of George M. Harlow, Jr., to an At-Large seat on the Park Board was confirmed by the City Council on June 1, 1971; and

WHEREAS, George was reappointed to the Park Board for subsequent four-year terms in 1975, 1979, 1983, 1987, and 1991; and

WHEREAS, George has served the People of Lansing with distinction for nearly 25 years, helping secure new recreation facilities such as Gier and Kingsley Community Centers, plus the transition of Foster Elementary School to Foster Community Center, major improvements to the Potter Park Zoo and other facilities, plus improvements to most neighborhood parks; and

WHEREAS, George is well-respected throughout the City for his devotion to recreation programs and for his outstanding career as physical education teacher and coach for the Lansing School District;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 18th day of March, 1996, hereby commends George M. Harlow, Jr., for his outstanding contributions to the Capital City as a member of the Park Board for 25 years; and

BE IT FURTHER RESOLVED the Members of Council wish George and his family many years of good health and happiness.

By Councilmember Leeman

Carried unanimously

RESOLUTION #113C
BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED by the City Council of the City of Lansing that a Public Hearing be set for Monday, May 6, 1996 at 7:00 p.m., in the City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the

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PURPOSE OF APPROVING OR OPPOSING A DECLARATION OF PUBLIC NUISANCE ON THE PROPERTY LOCATED AT 4901 CHRISTIANSEN STREET, LANSING, MICHIGAN, 48910, PURSUANT TO CHAPTER 634 OF THE LANSING CODE OF ORDINANCES AND/OR COMMON LAW.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #114
BY COUNCILMEMBER RICK LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, A USER POLICY FOR OLDSMOBILE PARK HAS BEEN SUBMITTED TO THE COUNCIL FOR CONSIDERATION AND APPROVAL;

NOW, THEREFORE, BE IT RESOLVED THAT THE ABOVE REFERENCED POLICY BE APPROVED;

BE IT FURTHER RESOLVED THAT THE CITY CLERK SHALL TRANSMIT THE POLICY TO THE MAYOR AND THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY FOR IMPLEMENTATION.

BY COUNCILMEMBER LILLY

TO PLACE AN AFFIRMATIVE ROLL ON THE TWO RESOLUTIONS FOR USE OF OLDSMOBILE PARK

BY COUNCILMEMBER LEEMAN

TO VOTE SEPARATELY ON EACH RESOLUTION

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

TO PLACE AN AFFIRMATIVE ROLL ON THE USE POLICY FOR THE HOST SUITE AT OLDSMOBILE PARK

CARRIED UNANIMOUSLY

RESOLUTION #115
BY COUNCILMEMBER RICK LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, A CITY OF LANSING PROMOTION TICKET POLICY AND CITY OF LANSING HOST SUITE POLICY HAVE BEEN SUBMITTED TO THE COUNCIL FOR CONSIDERATION AND APPROVAL;

NOW, THEREFORE, BE IT RESOLVED THAT THE ABOVE REFERENCED POLICIES ARE
APPROVED;

BE IT FURTHER RESOLVED THAT THE CITY CLERK SHALL TRANSMIT THE POLICIES TO THE MAYOR AND THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY FOR IMPLEMENTATION.

BY COUNCILMEMBER LILLY

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

BY COUNCILMEMBER LEEMAN

TO AMEND THE RESOLUTION BY ADDING A FINAL PARAGRAPH TO READ AS FOLLOWS:

"BE IT FINALLY RESOLVED THAT THE LANSING CITY COUNCIL HEREBY TRANSMITS THIS POLICY TO THE MAYOR AND LEPFA FOR IMPLEMENTATION, AND ALSO SUBMITS THE POLICY TO THE ETHICS BOARD WITH A REQUEST FOR THEIR REVIEW AND COMMENTS ON THE POLICY"

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS BAUER, LEEMAN, NOVAK

NAYS: COUNCILMEMBERS ALLEN, BEAL, BENAVIDES, JONES, LILLY

COUNCILMEMBER LILLY'S MOTION FOR AFFIRMATIVE ROLL ON THE RESOLUTION AS SUBMITTED WAS ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1, (COUNCILMEMBER LEEMAN DISSENTING)

RESOLUTION #116
BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

SLU-11-95
3016 RISDALE AVENUE
ADDITION TO EXISTING ADULT FOSTER CARE FACILITY

WHEREAS, PATTI L HOLLAND, 1401 W. JOLLY ROAD, LANSING, MI 48910, OWNER, HAS REQUESTED A SPECIAL LAND USE PERMIT (SLU-11-95) TO INCREASE THE CAPACITY OF AN EXISTING, STATE LICENSED, ADULT FOSTER CARE FACILITY AT 3016 RISDALE AVENUE FROM NINE TO TWELVE PERSONS; AND

WHEREAS, THE PLANNING BOARD HELD A PUBLIC HEARING ON WEDNESDAY, SEPTEMBER 6, 1995, WHERE PATTI HOLLAND AND MR. JOHN GORMLEY,

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REPRESENTING THE APPLICANT, SPOKE IN FAVOR OF THE PETITION. NO ONE SPOKE IN OPPOSITION TO THE PROPOSAL, AND THE PLANNING OFFICE RECEIVED NO CALLS IN OPPOSITION TO THE PROPOSAL; AND

WHEREAS, THE PLANNING BOARD, AT THEIR MEETING OF NOVEMBER 21, 1995 HAS REVIEWED THE PETITION AND BY A MAJORITY VOTE (6-1) RECOMMENDED APPROVAL OF THE PETITION WITH CONDITIONS; AND

WHEREAS, THE PLANNING BOARD FOUND, BASED ON TESTIMONY, EVIDENCE, THE STAFF REPORT AND THE APPLICANT'S SITE PLAN, THAT THE PROPOSED USE AT THIS SITE WILL NOT IMPACT CURRENT ADJACENT RESIDENTIAL AREAS AND THAT THE SPECIAL LAND USE, WITH THE ABOVE CONDITIONS, MEETS THE CRITERIA SET FOURTH IN §1248.04(O) AND §1282.03(F)(L)-(9); AND

WHEREAS, THE APPROVED MINUTES OF SAID PLANNING BOARD MEETING ARE ON FILE IN THE CITY CLERK'S OFFICE; AND

WHEREAS THE MAYOR CONCURS IN THE RECOMMENDATION OF THE PLANNING BOARD; AND

WHEREAS, THE COUNCIL HELD A PUBLIC HEARING ON FEBRUARY 5, 1996; AND

WHEREAS THE COMMITTEE ON DEVELOPMENT AND PLANNING OF COUNCIL HAS REVIEWED THE REQUEST AND THE REPORT OF THE PLANNING BOARD AND concurs THEREWITH;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF LANSING HEREBY APPROVES THE SPECIAL LAND USE REQUEST (SLU-11-95) NECESSARY TO INCREASE THE CAPACITY OF AN EXISTING, STATE LICENSED, ADULT FOSTER CARE FACILITY AT 3016 RISDALE AVENUE FROM NINE TO TWELVE PERSONS WITH THE FOLLOWING CONDITIONS:

CONDITIONS:

1. CONSTRUCTION, COMPLETION AND FINAL BUILDING OFFICE APPROVAL OF AN ADDITION TO THE HOUSE AT 3016 RISDALE TO PROVIDE A MAXIMUM OF 12 BEDROOMS IN THE STRUCTURE.

2. ACCOMMODATION OF THE ADULT FOSTER CARE FACILITY BY CONTINUATION OF THE EXISTING FOUR (4) PARKING SPACES ON THE SITE AS REQUESTED BY THE APPLICANT. THE REDUCTION OF PARKING SPACES MAY CONTINUE AS LONG AS NO MORE PARKING IS REQUESTED OR REQUIRED.

3. OPERATION OF THE ADULT FOSTER CARE FACILITY MUST MEET ALL FEDERAL, STATE, AND LOCAL ORDINANCES FOR THE LICENSING OF ADULT FOSTER CARE FACILITIES.

4. APPROVAL OF THE SPECIAL LAND USE PERMIT DOES NOT INCLUDE AN APPROVAL OF THE CONSTRUCTION OR USE OF ANY SECOND UNIT(S) IN THE BUILDING AS APPEARS TO BE SUGGESTED BY THE APPLICANT. ANY SUCH CONSTRUCTION OR USE WOULD REQUIRE SUBMISSION AND APPROVAL OF A REZONING PETITION WHICH WOULD HAVE TO BE GRANTED PRIOR TO CONSIDERING THE CONSTRUCTION AND/OR USE OF THE SECOND UNIT.

BE IT FURTHER RESOLVED THAT THIS SPECIAL LAND USE SHALL NOT BE EFFECTIVE AND/OR SHALL ONLY REMAIN IN EFFECT IF THE PETITIONER FULLY COMPLIES WITH ALL OF THE CONDITIONS SET FORTH IN THIS RESOLUTION.

BE IT FINALLY RESOLVED THAT IN GRANTING THIS APPROVAL THE CITY COUNCIL EXAMINED THE NINE CRITERIA FOR EVALUATING ALL REQUESTS FOR SPECIAL LAND USE PERMIT APPROVAL AND DETERMINES THE FOLLOWING:

1. THE PROPOSED SPECIAL LAND USE WILL NOT BE HARMONIOUS WITH THE CHARACTER OF ADJACENT PROPERTY AND SURROUNDING AREA BECAUSE THE STRUCTURAL ADDITION REQUIRED FOR THE ADDITIONAL THREE PERSONS WILL RESULT IN A HOUSE SIZE AND VALUE WHICH IS OUT OF CHARACTER WITH OTHER SINGLE FAMILY HOMES IN THE AREA. HOWEVER, SUCH SIZE AND CHARACTER OF THE HOUSE ON THE PROPERTY WILL BE A REASONABLE ACCOMMODATION FOR THE USE;

2. THE PROPOSED SPECIAL LAND USE WILL NOT CHANGE THE ESSENTIAL CHARACTER OF THE SURROUNDING PROPERTY;

3. THE PROPOSED SPECIAL LAND USE WILL NOT INTERFERE WITH THE GENERAL ENJOYMENT OF ADJACENT PROPERTY EXCEPT FOR THE POSSIBLE INCREASED FREQUENCY OF AMBULANCE CALLS TO THE RESIDENCE. THIS, HOWEVER, IS A REASONABLE ACCOMMODATION FOR THE USE;

4. THE PROPOSED SPECIAL LAND USE WILL NOT BE DETRIMENTAL TO THE USE OR CHARACTER OF THE SUBJECT PROPERTY AND THE SURROUNDING AREA IN GENERAL, AND WILL BE IN KEEPING WITH THE NATURAL ENVIRONMENT OF THE LOT;

5. THE PROPOSED SPECIAL LAND USE WILL NOT BE HAZARDOUS TO ADJACENT PROPERTIES OR INVOLVE USES, ACTIVITIES, MATERIALS OR EQUIPMENT WHICH ARE DETRIMENTAL TO THE HEALTH, SAFETY OR WELFARE OF PERSONS OR PROPERTY THROUGH THE EXCESSIVE PRODUCTION OF TRAFFIC, NOISE, SMOKE, ODOR, FUMES

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OR GLARE;

6. THE PROPOSED SPECIAL LAND USE IS ADEQUATELY SERVED BY ESSENTIAL PUBLIC SERVICES AND FACILITIES AND IT IS DEMONSTRATED THAT THE PERSON RESPONSIBLE FOR THE PROPOSED SPECIAL LAND USE IS ABLE TO CONTINUALLY PROVIDE ADEQUATELY FOR THE SERVICES AND FACILITIES DEEMED ESSENTIAL TO THE SPECIAL LAND USE UNDER CONSIDERATION;

7. THE PROPOSED SPECIAL LAND USE WILL NOT PLACE DEMANDS ON PUBLIC SERVICES AND FACILITIES IN EXCESS OF CURRENT CAPACITY OTHER THAN POSSIBLE INCREASE IN AMBULANCE CALLS TO THE RESIDENCE;

8. THE PROPOSED SPECIAL LAND USE IS CONSISTENT WITH THE INTENT AND PURPOSE OF THE ZONING CODE AND THE OBJECTIVES OF THE CURRENT COMPREHENSIVE PLAN;

9. THE PROPOSED SPECIAL LAND USE MEETS THE DIMENSIONAL REQUIREMENTS OF THE DISTRICT IN WHICH THE PROPERTY IS LOCATED.

BY COUNCILMEMBER LILLY

TO ACCEPT A SUBSTITUTE RESOLUTION FOR THE ONE ORIGINALLY CONTAINED IN THE CITY COUNCIL PACKET OF SUPPORTING DOCUMENTATION, AND TO PLACE AN AFFIRMATIVE ROLL ON THE SUBSTITUTE RESOLUTION

CARRIED UNANIMOUSLY

THE FOLLOWING RESOLUTION WAS DEFEATED

BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
SALE OF THE PRIGGOORIS PROPERTY,
BATH TOWNSHIP

WHEREAS, ON NOVEMBER 4, 1986, THE VOTERS OF THE CITY OF LANSING AUTHORIZED THE SALE OF THE PROPERTY COMMONLY KNOWN AS THE PRIGGOORIS PROPERTY WHICH IS LOCATED IN BATH TOWNSHIP; AND

WHEREAS, THE CITY HAS PROCEEDED TO OFFER THE PROPERTY FOR SALE AT THE APPRAISED VALUE; AND

WHEREAS, LOUIS J EYDE LIMITED FAMILY PARTNERSHIP AND GEORGE F. EYDE LIMITED FAMILY PARTNERSHIP HAS OFFERED TO PURCHASE THE REMAINING 80 ACRES OF THE PROPERTY FOR $410,000.00; AND

WHEREAS, THE OFFER TO PURCHASE AND CONTRACT OF SALE WAS PLACED ON FILE WITH THE CITY CLERK 30 DAYS PRIOR TO THE FEBRUARY 5, 1996 PUBLIC HEARING HELD ON THE PROPOSED SALE, ALL IN ACCORDANCE WITH THE REQUIREMENTS OF THE LANSING CITY CHARTER AND THE LANSING CODE OF ORDINANCES;

NOW, THEREFORE, BE IT RESOLVED, THAT THE LANSING CITY COUNCIL DOES HEREBY APPROVE THE SALE OF THE REAL PROPERTY COMMONLY KNOWN AS THE PRIGGOORIS PROPERTY LOCATED IN BATH TOWNSHIP, LEGALLY DESCRIBED AS:

THE EAST ½ OF THE SOUTHEAST 1/4 OF SECTION 20, T5N, R1W, BATH TOWNSHIP, CLINTON COUNTY, MICHIGAN, BEING SOME 80 ACRES, MORE OR LESS,

TO THE LOUIS J. EYDE FAMILY PARTNERSHIP AND GEORGE F. EYDE LIMITED FAMILY PARTNERSHIP FOR $410,000.00 PLUS ALL CLOSING COSTS, ACCORDING TO THE TERMS AND CONDITIONS CONTAINED IN THE PURCHASE OFFER AND CONTRACT OF SALE PLACED ON FILE IN THE OFFICE OF THE CITY CLERK ON DECEMBER 18, 1995, AND ACCORDING TO THE AGREEMENT BY THE PURCHASERS TO REMOVE THE ZONING CONTINGENCY CONTAINED IN SECTION 21 OF SAID PURCHASE OFFER AND CONTRACT OF SALE, CONDITIONED UPON THE CITY'S AGREEMENT TO CLOSE ON THE TRANSACTION NOT LATER THAN MAY 8, 1996, AS CONTAINED IN A LETTER ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON DEVELOPMENT AND PLANING AND DATED MARCH 12, 1996.

BE IT FURTHER RESOLVED, THAT ALL PROCEEDS FROM THE SALE OF THE PROPERTY, PURSUANT TO RESOLUTION #0373 ADOPTED BY THE LANSING CITY COUNCIL AUGUST 25, 1986, SHALL BE PLACED IN A RESTRICTED PARK AND RECREATION DEVELOPMENT ACCOUNT AND USED TO DEVELOP A SUITABLE PROJECT, ONCE ONE IS IDENTIFIED, TO MEET THE INTENT OF THE PRIGGOORIS FAMILY IN HONOR OF ANGEL PRIGGOORIS, AND THAT ANY EXCESS PROCEEDS THAT MAY REMAIN AFTER DEVELOPMENT OF THIS PROJECT BE UTILIZED TO DEVELOP THE PROPOSED SOUTHSIDE COMMUNITY CENTER.

BE IT FINALLY RESOLVED, THAT THE MAYOR, ON BEHALF OF THE CITY, IS AUTHORIZED TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE THE SALE, INCLUDING THE PURCHASE OFFER AND CONTRACT OF SALE, SUBJECT TO THEIR PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY.

BY COUNCILMEMBER LILLY

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

BY COUNCILMEMBER NOVAK

TO AMEND THE RESOLUTION IN THE FINAL BE IT FURTHER RESOLVED PARAGRAPH TO DELETE THE WORDS

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"Southside Community Center" and replace them with "RECREATIONAL FACILITY ON LANSING'S SOUTH SIDE"

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmember Novak

NAYS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly

By Councilmember Bauer

To amend the resolution by deleting the language contained in the last Be It Further Resolved Paragraph that places funding into an account for the Southside Community Center

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Bauer, Beal, Novak

NAYS: Councilmembers Allen, Benavides, Jones, Leeman, Lilly

COUNCILMEMBER LILLY'S MOTION FOR AFFIRMATIVE ROLL ON THE RESOLUTION AS SUBMITTED WAS DEFEATED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Jones, Lilly

NAYS: Councilmembers Novak, Bauer, Beal, Leeman

RESOLUTION #117

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SALE OF 119 N. WASHINGTON SQUARE (CITY HALL ANNEX)

WHEREAS, the City of Lansing has determined in Resolution #216 adopted by the City Council May 2, 1994 that the property located at 119 N. Washington Square, the City Hall Annex, is no longer needed f or public purposes, and has offered said property f or sale; and

WHEREAS, Capitol Annex Limited Liability Company has executed and delivered a purchase offer entitled Contract for Sale of Land for Private Development by and Between the City of Lansing, Michigan and Capitol Annex Limited Liability Company to purchase the property; and

WHEREAS, the Contract For Sale was placed been on file with the City Clerk 30 days prior to the November 20, 1995 public hearing held on the proposed sale, all in accordance with the requirements of the Lansing City Charter and the Lansing Code of Ordinances; and

WHEREAS, the Capitol Annex Limited Liability Company has agreed with local labor unions to utilize union labor exclusively in the restoration or reconstruction of the Annex once acquired from the City;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council does hereby approve the sale of the real property located at 119 North Washington Square, legally described as:

The North 46 feet of the South 90 feet of Lots 1 and 2, Block 101, Original Plat; also the North 46.12 feet of Lots 1 and 2, Block 101, Original Plat, City of Lansing, Ingham County, Michigan; also that part of vacated Ottawa Street, commencing at the Northeast corner of Lot 1; thence North .25 feet; thence West 132 feet; thence South .25 feet; thence East 132 feet to beginning;

to Capitol Annex Limited Liability Company, for the sum of $930,000.00, plus all closing costs, according to the terms and conditions contained in the Contract For Sale placed on file in the office of the City Clerk on October 16, 1995.

BE IT FURTHER RESOLVED, that all proceeds f rom the sale of the property shall be placed in an appropriate account and used to offset the cost associated with relocating City employees displaced as a result of the sale of the property.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the sale, including the Contract For Sale, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Novak dissenting)

RESOLUTION #118

BY THE COMMITTEE ON WAYS AND MEANS

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RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, $38,000 WAS APPROPRIATED IN THE FY 95-96 CAPITAL IMPROVEMENTS BUDGET FOR SWIMMING POOL LINER REPLACEMENTS AT HUNTER AND MOORES POOLS; AND

WHEREAS, THE ADMINISTRATION IN CONSULTATION WITH BENDER ASSOCIATES ENGINEERS ARE IN THE PROCESS OF DEFINING THE SCOPE OF REPAIRS NEEDED ALONG WITH A PLAN OF ACTION FOR FUTURE RENOVATIONS TO BE IMPLEMENTED FOLLOWING THE 1996 SUMMER POOL SEASON; AND

WHEREAS, SEVERAL IMMEDIATE REPAIRS ARE RECOMMENDED PRIOR TO THE MAJOR RENOVATION THAT WILL INCLUDE REPLACEMENT OF ITEMS SUCH AS RUPTURED LINERS, GUTTERS AND SHIMMERS, A FILTRATION SYSTEM AT HUNTER, CONCRETE DECKING AND VENTILATION.

NOW, THEREFORE, BE IT RESOLVED THAT THE CURRENT FUNDING FOR POOL LINERS BE UTILIZED TO ADDRESS SEVERAL IMMEDIATE REPAIRS AT MOORES PARK POOL TO REPLACE DETERIORATED THRU-WALL POOL INLET PIPES, REPLACE AND RE-PIPE CIRCULATING PUMP IN ORDER TO FACILITATE HAIR STRAINER MAINTENANCE, SCRAPE AND REPAINT TOILET AND LOCKER ROOM INTERIOR POOL WALLS, REPLACE TOILET PARTITIONS AND REPLACE EXISTING LOCKERS WITH A BASKET SYSTEM; AND

BE IT FURTHER RESOLVED THAT THE ADMINISTRATION WILL REPORT BACK WITH THE RECOMMENDED SCOPE OF WORK AND FUNDING SOURCES AS PART OF THE FY 96-97 BUDGET.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #119
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,030	EST. REV.- GEN.FUND 101-0-170001-0	PARKS & REC.-CTRL 101-783860- 992200-0
$1,030	PARKS & REC.-CTRL 101-783860-992200-0	PARKS & REC.-DONATIONS 101-783810-741880-0

(DONATION BY DARLENE RUSNELL FOR MEMORIAL FOR HER PARENTS, TO BE INSTALLED IN FILLEY PARK. REVENUE DETAIL ACCOUNT 101-0-675003-0)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$6,500	EST. REV.-GEN. FUND 101-0-170001-0	PARKS & REC.-CTRL 101-783860-992200-0
$6,500	PARKS & REC.-CTRL 01-783860-992200-0	PARKS & REC.-SPEC. EVENTS 101-783833-741850-0

(ANTICIPATED DONATIONS FROM PEPSI COLA CO, ($3,000), LANSING YOUTH & RECREATION FUND ($1,750), AND NEIGHBORHOOD YOUTH AND PARENT PREVENTION PARTNERSHIP ($1,750) FOR 1996 SPRING BREAK OUT IN CONJUNCTION WITH SPRING VACATION WEEK FOR LANSING SCHOOL STUDENTS. TO BE CREDITED TO REVENUE DETAIL ACCOUNT 101-0-675003.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$100	EST. REV.-GENERAL FUND 101-0-170001-0	POLICE DEPT-CTRL 101-343201-992200-0
$100	POLICE DEPT-CTRL 101-343201-992200-0	DONATIONS-D.A.R.E 101-343201-741870-0

DONATION FROM LANSING COMMUNITY CREDIT UNION, CREDITED TO REVENUE DETAIL ACCOUNT 101-0-675000-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$150,000	EST. REV.-CAPITAL PROJ. 410-0-170001	TOLLGATE DRAIN-GROESBECK 410-933890-973102-43825

REVENUE DETAIL ACCOUNT 410-0-695000 BOND SALE PROCEEDS. COSTS FOR DESIGN OF TOLLGATE DRAIN RELATED IMPROVEMENTS TO GROESBECK GOLF COURSE. COSTS ARE REIMBURSABLE FROM BOND SALE PROCEEDS.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$575,000	ESTIMATED REVENUE-STADIUM FUND 234-0-170001-0	
$500,000		STADIUM INTEREST EXPENSE 234-173903-982000-0
$75,000		STADIUM OPERATING EXPENSE 234-173903-741000-0

(REVENUE DETAIL ACCOUNTS 234-0-696310 TIFA LEASE PAYMENT-$375,000. $1,125,000 HAS BEEN RECEIVED TO DATE; 234-0-603001 STADIUM OPERATING REVENUE-$200,000. $365, 529 HAS BEEN RECEIVED TO DATE.) PAYMENT OF JUNE DEBT SERVICE AND COSTS RELATED TO STADIUM OPERATIONS

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PRIOR TO JULY 1, 1996.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$5,000	GEN. ADMIN.-INSURANCE & BONDS 101-173901-748000-0	GEN. ADMIN.-CTRL 101-173901-992200-0
$5,000	GENERAL ADMIN.-CTRL 101-173901-992200-0	CITY CLERK-CTRL 101-172400-992200-0
$5,000	CITY CLERK-CTRL 101-172400-992200-0	CITY CLERK-ADV.& PUB. 101-172400-741500-0

(SHORTAGE DUE TO $5,000 COST FOR PUBLICATION OF BY-LAWS FOR MEGA AUTHORITY BOARD.)

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #120
BY COUNCILMEMBER JONES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, RESOLUTION #496, ADOPTED AUGUST 15, 1994, AUTHORIZED THE PLACING OF AN HISTORICAL MARKER HONORING THE REO MOTOR CAR COMPANY UPON THE FORMER DIAMOND REO SITE; AND

WHEREAS, THIS RESOLUTION DID NOT IDENTIFY A FUNDING SOURCE TO COVER ESTIMATED COSTS IN THE AMOUNT OF $2,600; AND

WHEREAS, THE STATE BUREAU OF HISTORY HAS APPROVED THE WORDING ON THE MARKER, AND THE MICHIGAN HISTORICAL COMMISSION HAS GRANTED PERMISSION FOR PLACEMENT OF THE MARKER; AND

WHEREAS, PRIOR TO CASTING THE MARKER PAYMENT MUST BE RECEIVED BY THE STATE OF MICHIGAN.

NOW, THEREFORE BE IT RESOLVED THE LANSING CITY COUNCIL REQUESTS THE ADMINISTRATION TO RECOMMEND TO THE WAYS AND MEANS COMMITTEE AN APPROPRIATE FUNDING SOURCE FOR ACQUISITION AND INSTALLATION OF THIS HISTORICAL MARKER,

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

COUNCIL PRESIDENT JONES DECLARED A RECESS OF THE MEETING OF THE LANSING CITY COUNCIL AT 9:45 P.M. AND RECONVENED THE MEETING AT 9:50 P.M.

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER BEAL

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE OF THE WHOLE:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 296 IN ITS ENTIRETY FOR THE PURPOSE OF DEFINING AND EXTENDING CERTAIN CIVIL RIGHTS IN THE AREAS OF; HOUSING, EMPLOYMENT, PUBLIC ACCOMMODATIONS AND PUBLIC SERVICES, TO PROHIBIT CERTAIN DISCRIMINATORY PRACTICES; TO EXTEND THE PROTECTION OF SAID CHAPTER, AS AMENDED, RESTATED AND REVISED TO THE NEW PROTECTED CLASSES OF SEXUAL ORIENTATION, FAMILIAL STATUS AND HEIGHT AND WEIGHT; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF SAID CHAPTER; TO PROVIDE EXEMPTIONS FROM SAID CHAPTER AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER AS CIVIL INFRACTIONS, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE OF THE WHOLE:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 296 IN ITS ENTIRETY FOR THE PURPOSE OF DEFINING AND EXTENDING CERTAIN CIVIL RIGHTS IN THE AREAS OF; HOUSING, EMPLOYMENT, PUBLIC ACCOMMODATIONS AND PUBLIC SERVICES, TO PROHIBIT CERTAIN DISCRIMINATORY PRACTICES; TO EXTEND THE PROTECTION OF SAID CHAPTER, AS AMENDED, RESTATED AND REVISED TO THE NEW PROTECTED CLASSES OF SEXUAL ORIENTATION, FAMILIAL STATUS AND HEIGHT AND WEIGHT; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF SAID CHAPTER; TO PROVIDE EXEMPTIONS FROM SAID CHAPTER AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER AS CIVIL INFRACTIONS, BE NOW PASSED.

BY COUNCILMEMBER BEAL TO PLACE AN AFFIRMATIVE ROLL ON THE ORDINANCE

BY COUNCILMEMBER NOVAK

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To amend the Ordinance amending Chapter 296 on page 14, lines 19-20 by deleting the words "to three or fewer persons"

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Jones, Leeman, Lilly, Novak

NAYS: Councilmember Benavides

By Councilmember Novak

To amend the Ordinance amending Chapter 296 on page 2, line 14 to delete the words "IT IS HEREBY DETERMINED" and insert "HAVING FOUND THAT DISCRIMINATION ON THE BASIS OF IRRELEVANT CHARACTERISTICS EXISTS, AND THAT IT IS"

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Jones, Leeman, Novak

NAYS: Councilmembers Bauer, Benavides, Lilly

By Councilmember Novak

To correct the Ordinance amending Chapter 296 on page 2, line 17 to insert the word "HER" following "HIS/" and to delete the word "OR".

Carried unanimously

By Councilmember Novak

To amend the Ordinance Amending Chapter 296 on page 36, line 5 to delete the words "FINE OF NOT LESS THAN FIVE HUNDRED ($500) DOLLARS NOR MORE THAN FIVE THOUSAND ($5,000) DOLLARS" and replace it with the following language: "FINE OF UP TO TWENTY-FIVE HUNDRED ($2,500) DOLLARS"

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Jones, Leeman, Novak

NAYS: Councilmembers Benavides, Lilly

By Councilmember Lilly

To amend the Ordinance in Section 296.09, subsection 2, (line 10 of page 35) to delete the period and at the end of the word "CODE" and insert the following language:

"AND SHALL NOT APPLY TO PERSONS WITH SINCERELY HELD RELIGIOUS BELIEFS"

MOTION DEFEATED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Lilly

NAYS: Councilmembers Bauer, Beal, Benavides, Jones, Leeman, Novak

COUNCILMEMBER BEAL'S MOTION FOR AFFIRMATIVE ROLL WAS ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Novak, Leeman, Jones, Beal, Bauer

NAYS: Councilmembers Lilly, Benavides, Allen

ORDINANCE NO. 944
CHAPTER 296
CIVIL RIGHTS

AN ORDINANCE TO AMEND, RESTATE AND REVISE CHAPTER 296 OF THE CODIFIED ORDINANCES OF LANSING, MICHIGAN IN ITS ENTIRETY TO DEFINE AND EXTEND CERTAIN CIVIL RIGHTS IN THE AREAS OF HOUSING, EMPLOYMENT, PUBLIC ACCOMMODATIONS AND PUBLIC SERVICES; TO PROHIBIT CERTAIN DISCRIMINATORY PRACTICES; TO EXTEND THE PROTECTION OF SAID CHAPTER, AS AMENDED, RESTATED AND REVISED TO THE NEW PROTECTED CLASSES OF SEXUAL ORIENTATION, FAMILIAL STATUS AND HEIGHT AND WEIGHT; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PROVISIONS OF SAID CHAPTER; TO PROVIDE EXEMPTIONS FROM SAID CHAPTER AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER AS CIVIL INFRACTIONS.

The City of Lansing ordains:

Section 1. Chapter 296 of the Codified Ordinances of the City of Lansing is amended as follows:

296.01 FINDINGS OF FACT; ESTABLISHMENT OF RIGHTS; AUTHORITY.

HAVING FOUND THAT DISCRIMINATION ON THE BASIS OF IRRELEVANT CHARACTERISTICS EXISTS, AND THAT IT IS TO BE CONTRARY TO THE PUBLIC POLICY OF THE CITY OF LANSING FOR ANY PERSON TO DENY ANY OTHER PERSON THE ENJOYMENT OF HIS/HER CIVIL RIGHTS OR FOR ANY PERSON TO DISCRIMINATE AGAINST ANY OTHER PERSON IN THE EXERCISE OF HIS/HER CIVIL RIGHTS TO HARASS

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ANY PERSON BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, HEIGHT, WEIGHT, FAMILIAL STATUS, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, SEXUAL ORIENTATION, POLITICAL ORIENTATION, HANDICAP, THE USE OF ADAPTIVE DEVICES, OR SOURCE OF INCOME, AND THAT THE ABOVE DESCRIBED CLASSIFICATIONS ARE HEREBY PROTECTED AS CIVIL RIGHTS ESTABLISHED BY THIS CHAPTER WHICH IS ENACTED PURSUANT TO THE POLICE POWERS GRANTED TO THE CITY BY THE STATE AND FEDERAL CONSTITUTIONS AND BY STATE AND FEDERAL LAW.

296.02 DEFINITIONS GENERALLY.

AS USED IN THIS CHAPTER, UNLESS A DIFFERENT MEANING APPEARS CLEARLY FROM THE CONTEXT:

(A) "AGE" SHALL BE DEFINED AS MEANING CHRONOLOGICAL AGE EXCEPT AS OTHERWISE PROVIDED BY LAW.

(B) "DEPARTMENT" FOR THE PURPOSES OF THIS CHAPTER SHALL MEAN THE HUMAN RELATIONS & COMMUNITY SERVICES DEPARTMENT OR ANY SUBSEQUENT SUCCESSOR THEREOF.

(C) "DISCRIMINATE" OR "DISCRIMINATION" SHALL BE DEFINED AS INCLUDING BUT NOT LIMITED TO: MAKING A DECISION, OFFERING TO MAKE A DECISION, REFRAINING FROM MAKING A DECISION, OR TREATING INDIVIDUALS OR GROUPS, OR THE FRIENDS OR ASSOCIATES OF SUCH INDIVIDUALS OR GROUPS, DIFFERENTLY, IN THE BASED ON ACTUAL OR PERCEIVED STATUS IN ANY OF THE PROTECTED CLASSES OF RELIGION, RACE, COLOR, ANCESTRY, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS AND HEIGHT AND WEIGHT, NATIONAL ORIGIN, POLITICAL ORIENTATION, MARITAL STATUS, HANDICAP, THE USE OF ADAPTIVE DEVICES, OR SOURCE OF INCOME.

(D) "FAMILIAL STATUS" MEANS ONE OR MORE INDIVIDUALS (WHO HAVE NOT ATTAINED THE AGE OF 18) BEING DOMICILED WITH:

(1) A PARENT OR ANOTHER PERSON HAVING LEGAL CUSTODY OF SUCH INDIVIDUAL OR INDIVIDUALS OR

(2) THE DESIGNEE OF SUCH PARENT OR OTHER PERSON HAVING SUCH CUSTODY, WITH THE WRITTEN PERMISSION OF SUCH PARENT OR OTHER PERSON.

(3) THE PROTECTION AFFORDED AGAINST DISCRIMINATION ON THE BASIS OF FAMILIAL STATUS SHALL APPLY TO ANY PERSON WHO IS PREGNANT OR IN THE PROCESS OF SECURING LEGAL CUSTODY OF ANY INDIVIDUAL WHO HAS NOT ATTAINED THE AGE OF 18 YEARS.

(E) "HANDICAP" SHALL BE DEFINED AS MEANING A DETERMINABLE PHYSICAL OR MENTAL CHARACTERISTIC OF AN INDIVIDUAL WHICH SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES, OR A HISTORY OF THE CHARACTERISTIC, OR BEING REGARDED AS HAVING A CHARACTERISTIC OF AN INDIVIDUAL WHICH MAY RESULT FROM DISEASE, INJURY, CONGENITAL CONDITION AT BIRTH, OR FUNCTIONAL DISORDER, WHICH CHARACTERISTIC:

(1) IS UNRELATED TO THE INDIVIDUAL'S ABILITY TO PERFORM THE SPECIFIC DUTIES OF A PARTICULAR JOB OR POSITION, OR IS UNRELATED TO THE INDIVIDUAL'S QUALIFICATIONS FOR EMPLOYMENT OR PROMOTION;

(2) IS UNRELATED TO THE INDIVIDUAL'S ABILITY TO UTILIZE AND BENEFIT FROM A PLACE OF PUBLIC ACCOMMODATION; OR

(3) IS UNRELATED TO THE INDIVIDUAL'S ABILITY TO ACQUIRE, RENT, OR MAINTAIN PROPERTY.

(4) THIS TERM DOES NOT INCLUDE CURRENT ILLEGAL USE OF OR ADDICTION TO A CONTROLLED SUBSTANCE BY AN INDIVIDUAL OF A DETERMINABLE PHYSICAL OR MENTAL CHARACTERISTIC CAUSED BY THE USE OF AN ALCOHOLIC LIQUOR BY AN INDIVIDUAL, IF THAT PHYSICAL OR MENTAL CHARACTERISTIC PREVENTS THAT INDIVIDUAL FROM THE DUTIES OF HIS OR HER JOB.

(5) THIS TERM SHALL INCLUDE THE OBLIGATION TO REASONABLY ACCOMMODATE AN INDIVIDUAL WITH A DETERMINABLE PHYSICAL OR MENTAL CHARACTERISTIC WHICH SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES, UNLESS UNDUE HARDSHIP WOULD RESULT.

(F) "MARITAL STATUS" SHALL BE DEFINED AS MEANING BEING SINGLE, DIVORCED, WIDOWED, SEPARATED OR MARRIED, AND THE CONDITIONS ASSOCIATED THEREWITH, INCLUDING PREGNANCY AND PARENTHOOD.

(G) "NATIONAL ORIGIN" SHALL BE DEFINED AS INCLUDING THE NATIONAL ORIGIN OF AN ANCESTOR, AND SHALL INCLUDE PERSONS WHO ARE NOT NATURALIZED CITIZENS.

(H) "PERSON" SHALL MEAN AN INDIVIDUAL, AGENT, ASSOCIATION, CORPORATION, JOINT APPRENTICESHIP COMMITTEE, JOINT STOCK COMPANY, LABOR ORGANIZATION, LEGAL REPRESENTATIVE, MUTUAL COMPANY, PARTNERSHIP, RECEIVER, TRUST, TRUSTEE IN BANKRUPTCY, UNINCORPORATED ORGANIZATION, THE CITY OR AN AGENCY OF THE CITY OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

(I) "SEX" SHALL BE DEFINED AS GENDER, BEING MALE OR FEMALE, INCLUDING, BUT NOT LIMITED TO, PREGNANCY, CHILDBIRTH, OR A MEDICAL CONDITION RELATED TO PREGNANCY OR CHILDBIRTH THAT DOES NOT INCLUDE NON-THERAPEUTIC ABORTION NOT INTENDED TO SAVE THE LIFE OF THE MOTHER. DISCRIMINATION BECAUSE OF SEX INCLUDES SEXUAL HARASSMENT WHICH MEANS UNWELCOME SEXUAL ADVANCES,

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REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL AND/OR PHYSICAL CONDUCT OR COMMUNICATION OF SEXUAL NATURE WHEN:

(1) SUBMISSION TO SUCH CONDUCT OR COMMUNICATION IS MADE A TERM OR CONDITION EITHER EXPLICITLY OR IMPLICITLY TO OBTAIN EMPLOYMENT, PUBLIC ACCOMMODATIONS OR PUBLIC SERVICES, EDUCATION OR HOUSING;

(2) SUBMISSION TO OR REJECTION OF SUCH CONDUCT OR COMMUNICATION BY AN INDIVIDUAL IS USED AS A FACTOR IN DECISIONS AFFECTING SUCH INDIVIDUAL'S EMPLOYMENT, PUBLIC ACCOMMODATIONS OR PUBLIC SERVICES, EDUCATION OR HOUSING;

(3) SUCH CONDUCT OR COMMUNICATION HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S EMPLOYMENT, PUBLIC ACCOMMODATIONS OR PUBLIC SERVICES, EDUCATION, OR HOUSING, OR CREATING AN INTIMIDATING, HOSTILE OR OFFENSIVE EMPLOYMENT, PUBLIC ACCOMMODATIONS, PUBLIC SERVICE, EDUCATIONAL OR HOUSING ENVIRONMENT.

(J) "SEXUAL ORIENTATION" SHALL BE DEFINED AS BEING OR REGARDED AS BEING A HETEROSEXUAL, HOMOSEXUAL, BISEXUAL, OR TRANSGENDER PERSON OR HAVING A HISTORY OF SUCH IDENTIFICATION.

(K) "SOURCE OF INCOME" MEANS THE FACT THAT THE INCOME OF A PERSON, OR OF A PERSON RESIDING WITH THAT PERSON, IS DERIVED IN WHOLE OR IN PART FROM ALIMONY, CHILD SUPPORT, OR PUBLIC ASSISTANCE FUNDS.

(L) "TO HARASS" SHALL BE DEFINED AS SEVERE OR PERVASIVE PHYSICAL CONDUCT AND/OR COMMUNICATION TOWARD AN INDIVIDUAL PROTECTED UNDER THIS ORDINANCE WHICH HAS THE PURPOSE OR EFFECT OF SIGNIFICANTLY INTERFERING WITH AN INDIVIDUAL'S EMPLOYMENT, PUBLIC ACCOMMODATION, PUBLIC SERVICES, EDUCATION OR HOUSING, OR CREATING AN ABUSIVE OR HOSTILE EMPLOYMENT, PUBLIC ACCOMMODATION, PUBLIC SERVICES, EDUCATIONAL OR HOUSING ENVIRONMENT. SIGNIFICANT INTERFERENCE AND THE EXISTENCE OF A HOSTILE OR ABUSIVE ENVIRONMENT SHALL BE DEFINED BY WHAT A REASONABLE PERSON WOULD FIND AS HOSTILE, ABUSIVE OR SIGNIFICANT INTERFERENCE.

296.03 CIVIL RIGHTS DEFINED.

(1) HOUSING.

(A) DEFINITIONS. AS USED IN THIS SECTION, UNLESS A DIFFERENT MEANING APPEARS CLEARLY FROM THE CONTEXT:

(I) "ENTITY" INCLUDES AN ASSOCIATION, PARTNERSHIP OR CORPORATION AND THE OFFICERS AND MEMBERS THEREOF.

(II) "FINANCIAL INSTITUTION" MEANS ANY ENTITY REGULARLY ENGAGED IN THE BUSINESS OF LENDING MONEY, INCLUDING MORTGAGE LENDING INSTITUTIONS, OR GUARANTEEING LOANS ON REAL PROPERTY OR ANY INTEREST THEREIN.

(III) "HOUSING ACCOMMODATION" INCLUDES IMPROVED OR UNIMPROVED REAL PROPERTY, OR A PART THEREOF, WHICH IS USED OR OCCUPIED, OR IS INTENDED, ARRANGED OR DESIGNED TO BE USED OR OCCUPIED, AS THE HOME OR RESIDENCE OF ONE OR MORE PERSONS.

(IV) "IMMEDIATE FAMILY" MEANS A SPOUSE, PARENT, CHILD OR SIBLING.

(V) "OWNER" INCLUDES THE LESSEE, LESSOR, SUBLESSEE, SUBLESSOR, ASSIGNEE, ASSIGNOR, MANAGING AGENT OR OTHER PERSON HAVING THE RIGHT OF OWNERSHIP OR POSSESSION OR THE RIGHT TO SELL, RENT, TRANSFER OR LEASE ANY HOUSING ACCOMMODATION OR ANY INTEREST OR PART THEREOF.

(VI) "REAL ESTATE BROKER: OR SALESPERSON" MEANS A PERSON, WHETHER LICENSED OR NOT, WHO, FOR OR WITH THE EXPECTATION OF RECEIVING A CONSIDERATION, LISTS, SELLS, PURCHASES, EXCHANGES, RENTS OR LEASES REAL PROPERTY OR AN INTEREST THEREIN; NEGOTIATES OR ATTEMPTS TO NEGOTIATE ANY OF SUCH ACTIVITIES; HOLDS HIMSELF OR HERSELF OUT AS ENGAGING IN SUCH ACTIVITIES; NEGOTIATES OR ATTEMPTS TO NEGOTIATE A LOAN SECURED OR TO BE SECURED BY A MORTGAGE OR OTHER ENCUMBRANCE UPON REAL PROPERTY OR AN INTEREST THEREIN; OR IS ENGAGED IN THE BUSINESS OF LISTING REAL PROPERTY OR AN INTEREST THEREIN IN A PUBLICATION. "REAL ESTATE BROKER" OR "SALESPERSON" ALSO MEANS A PERSON EMPLOYED BY OR ACTING ON BEHALF OF A REAL ESTATE BROKER OR SALESPERSON.

(VII) "REAL ESTATE TRANSACTION" MEANS THE SALE, EXCHANGE, RENTAL, LEASE, TRANSFER, ASSIGNMENT OR SUBLEASE OF REAL PROPERTY OR AN INTEREST THEREIN CONCERNING HOUSING ACCOMMODATIONS.

(VIII) "REAL PROPERTY" INCLUDES A STRUCTURE, A BUILDING, A MOBILE HOME, REAL ESTATE, LAND, A MOBILE HOME PARK, A TRAILER PARK, A TENEMENT, A LEASEHOLD OR AN INTEREST IN A REAL ESTATE COOPERATIVE OR CONDOMINIUM.

(B) DISCRIMINATION PROHIBITED.

A PERSON, REAL ESTATE BROKER OR SALESPERSON ENGAGING IN A REAL ESTATE TRANSACTION SHALL NOT, WHOLLY OR PARTLY FOR REASONS OF RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT, WEIGHT, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP, THE USE OF

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ADAPTIVE DEVICES, OR SOURCE OF INCOME:

(1) REFUSE TO ENGAGE IN REAL ESTATE TRANSACTION WITH A PERSON;

(2) REFUSE TO RECEIVE FROM A PERSON OR ACCURATELY COMMUNICATE TO A PERSON A BONA FIDE OFFER TO ENGAGE IN A REAL ESTATE TRANSACTION;

(3) REFUSE TO NEGOTIATE FOR A REAL ESTATE TRANSACTION WITH A PERSON;

(4) REPRESENT TO A PERSON THAT REAL PROPERTY OR AN INTEREST THEREIN IS NOT AVAILABLE FOR INSPECTION, SALE, RENTAL OR LEASE WHEN IN FACT IT IS SO AVAILABLE, OR KNOWINGLY FAIL TO BRING A PROPERTY LISTING TO A PERSON'S ATTENTION, OR REFUSE TO PERMIT A PERSON TO INSPECT REAL PROPERTY;

(5) PRINT, CIRCULATE, POST, MAIL OR OTHERWISE CAUSE TO BE PUBLISHED A STATEMENT, ADVERTISEMENT, NOTICE OR SIGN, OR USE A FORM APPLICATION FOR A REAL ESTATE TRANSACTION, OR MAKE A RECORD OF INQUIRY IN CONNECTION WITH A PROSPECTIVE REAL ESTATE TRANSACTION, WHICH INDICATES, DIRECTLY OR INDIRECTLY, AN INTENT TO MAKE A PREFERENCE, LIMITATION, SPECIFICATION OR DISCRIMINATION WITH RESPECT THERETO;

(6) OFFER, SOLICIT, ACCEPT, USE OR RETAIN A LISTING OF REAL PROPERTY OR AN INTEREST THEREIN WITH THE UNDERSTANDING THAT A PERSON MAY BE DISCRIMINATED AGAINST IN A REAL ESTATE TRANSACTION OR IN THE FURNISHING OF FACILITIES OR SERVICES IN CONNECTION THEREWITH;

(7) LIMIT THE USE OF PRIVILEGES, SERVICES OR FACILITIES ASSOCIATED WITH A DWELLING TO A PERSON OR A PERSON ASSOCIATED WITH HIM OR HER; OR

(8) DENY A PERSON ACCESS TO OR MEMBERSHIP OR PARTICIPATION IN MULTIPLE LISTING SERVICES, REAL ESTATE BROKERS ORGANIZATIONS OR OTHER REAL ESTATE SERVICES.

(C) EXEMPTIONS; INTERPRETATION.

(1) THIS SECTION SHALL NOT:

(I) APPLY TO THE RENTAL OF A ROOM OR ROOMS IN A SINGLE DWELLING OR TWO-FAMILY UNIT, THE REMAINDER OF WHICH DWELLING IS OCCUPIED BY EITHER THE OWNER OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY OR A LESSEE OF THE ENTIRE DWELLING UNIT OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY;

(II) PROHIBIT A RELIGIOUS ORGANIZATION OR INSTITUTION FROM RESTRICTING ANY OF ITS FACILITIES OF HOUSING OR ACCOMMODATION, WHICH ARE OPERATED AS A DIRECT PART OF RELIGIOUS ACTIVITIES, TO PERSONS OF THE SAME RELIGION AND/OR DENOMINATION OR FROM GIVING PREFERENCE TO SUCH PERSONS UNLESS MEMBERSHIP IN SUCH A RELIGION IS RESTRICTED BECAUSE OF RACE, COLOR, OR NATIONAL ORIGIN;

(III) PROHIBIT AN EDUCATIONAL INSTITUTION FROM LIMITING THE USE OF ITS FACILITIES TO THOSE AFFILIATED WITH SUCH INSTITUTION; OR

(IV) PROHIBIT THE OBTAINING OF INFORMATION RELATIVE TO THE MARITAL STATUS OF AN INDIVIDUAL WHEN SUCH INFORMATION IS NECESSARY FOR THE PREPARATION OF A DEED OR OTHER INSTRUMENT OF CONVEYANCE; OR

(V) LIMIT THE APPLICABILITY OF ANY REASONABLE LOCAL, STATE, OR FEDERAL RESTRICTIONS REGARDING THE MAXIMUM NUMBER OF OCCUPANTS PERMITTED TO OCCUPY A DWELLING; OR

(VI) PROHIBIT CONDUCT AGAINST A PERSON BECAUSE SUCH PERSON HAS BEEN CONVICTED BY ANY COURT OF A COMPETENT JURISDICTION OF THE ILLEGAL MANUFACTURE OR DISTRIBUTION OF A CONTROLLED SUBSTANCE.

(2) NOTHING CONTAINED IN THIS SECTION SHALL BE:

(I) INTERPRETED AS REPEALING THE EXISTING POWERS OF THE HUMAN RELATIONS BOARD TO WORK, THROUGH CONCILIATION AND EDUCATION, TO ELIMINATE SUCH DISCRIMINATION IN THE SALE AND RENTAL OF REAL ESTATE OR ON OTHER TRANSACTIONS RELATED TO THE SUBJECT MATTER OF THIS SECTION; OR

(II) CONSTRUED TO PROHIBIT A PLAN TO ELIMINATE PRESENT EFFECTS OF PAST DISCRIMINATORY PRACTICES TO ASSURE EQUAL OPPORTUNITY PURSUANT TO FEDERAL, STATE, OR LOCAL LAWS OR REGULATIONS; OR

(3) WITH RESPECT TO THE AGE PROVISION ONLY, THIS SECTION SHALL NOT APPLY TO THE SALE, RENTAL OR LEASE OF HOUSING ACCOMMODATIONS MEETING THE REQUIREMENTS OF FEDERAL, STATE OR LOCAL HOUSING PROGRAMS FOR SENIOR CITIZENS OR ACCOMMODATIONS OTHERWISE INTENDED, ADVERTISED, DESIGNED OR OPERATED FOR THE BONA FIDE PURPOSE OF PROVIDING HOUSING ACCOMMODATIONS TO PERSONS FIFTY YEARS OR OLDER.

(4) WITH RESPECT TO THE SOURCE OF INCOME PROVISION ONLY, NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PRECLUDE THE MAKING OF A GOOD FAITH BUSINESS DETERMINATION INVOLVING A PERSON'S ABILITY TO MEET THE FINANCIAL BURDEN INVOLVED IN THE SALE, LEASE, RENTAL, SUBLEASE, ASSIGNMENT OR TRANSFER OF HOUSING ACCOMMODATIONS. A DETERMINATION BY A PERSON TO ACCEPT OR NOT TO ACCEPT RENTAL PAYMENTS IN ADVANCE AND/OR ARREARS SHALL NOT CONSTITUTE A VIOLATION OF THIS CHAPTER.

(D) DISCRIMINATION BY FINANCIAL OR INSURANCE INSTITUTIONS.

(1) A PERSON TO WHOM APPLICATION IS MADE FOR FINANCIAL ASSISTANCE OR FINANCING IN CONNECTION WITH A REAL ESTATE TRANSACTION OR IN CONNECTION WITH THE INSURANCE, CONSTRUCTION, REHABILITATION, REPAIR, MAINTENANCE OR IMPROVEMENT OF REAL PROPERTY, OR AN INTEREST THEREIN, WHICH IS UTILIZED FOR HOUSING ACCOMMODATIONS, OR A REPRESENTATIVE OR SUCH PERSON SHALL NOT:

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(I) DISCRIMINATE AGAINST THE APPLICANT BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT AND WEIGHT, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP, THE USE OF ADAPTIVE DEVICES, OR SOURCE OF INCOME; OR

(II) USE OF A FORM OF APPLICATION FOR INSURANCE OR FINANCIAL ASSISTANCE OR FINANCING, OR MAKE OR KEEP A RECORD OR INQUIRY IN CONNECTION WITH AN APPLICATION FOR FINANCIAL ASSISTANCE OR FINANCING, WHICH INDICATES, DIRECTLY OR INDIRECTLY, A PREFERENCE LIMITATION, SPECIFICATION OR DISCRIMINATION BASED ON RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT AND WEIGHT, MARITAL STATUS, ANCESTRY NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP, USE OF ADAPTIVE DEVICES, OR SOURCE OF INCOME.

(2) PARAGRAPH(1)(2) HEREOF SHALL NOT APPLY TO A FORM OF APPLICATION FOR FINANCIAL ASSISTANCE PRESCRIBED FOR THE USE OF A LENDER REGULATED AS A MORTGAGEE UNDER THE NATIONAL HOUSING ACT, AS AMENDED, BEING 12 U.S.C. 1701 TO 1750(G), AS AMENDED, OR BY A REGULATORY BOARD OR OFFICER ACTING UNDER THE STATUTORY AUTHORITY OF THE STATE OR THE UNITED STATES.

(E) REPRESENTATION OF A CHANGE IN COMPOSITION OF AN AREA.

NO PERSON SHALL REPRESENT, FOR THE PURPOSE OF PROMOTING OR INDUCING A REAL ESTATE TRANSACTION FROM WHICH SUCH PERSON MAY BENEFIT FINANCIALLY, THAT A CHANGE HAS OCCURRED OR WILL OR MAY OCCUR IN THE COMPOSITION OF A BLOCK, NEIGHBORHOOD OR AREA WITH RESPECT TO RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT, WEIGHT, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP, USE OF ADAPTIVE DEVICES, OR SOURCE OF INCOME, OR THE OWNERS OR OCCUPANTS IN THE BLOCK, NEIGHBORHOOD OR AREA IN WHICH THE REAL PROPERTY IS LOCATED, OR REPRESENT THAT SUCH CHANGE WILL OR MAY RESULT IN THE LOWERING OR PROPERTY VALUES, AN INCREASE IN CRIMINAL OR ANTISOCIAL BEHAVIOR OF THE AREA, OR A DECLINE IN THE QUALITY OF SCHOOLS OR OTHER PUBLIC FACILITIES IN THE BLOCK, NEIGHBORHOOD OR AREA IN WHICH SUCH REAL PROPERTY IS LOCATED.

(2) EMPLOYMENT.

(A) DEFINITIONS. AS USED IN THIS SECTION, UNLESS A DIFFERENT MEANING APPEARS CLEARLY FROM THE CONTEXT:

(I) "EMPLOYER" MEANS A PERSON WHO HAS ONE (1) OR MORE EMPLOYEES AND INCLUDES ANY AGENT OF THAT PERSON.

(II) "EMPLOYMENT AGENCY" MEANS A PERSON REGULARLY UNDERTAKING WITH OR WITHOUT COMPENSATION TO PROCURE, REFER, RECRUIT, OR PLACE AN EMPLOYEE FOR AN EMPLOYER, OR TO PROCURE, REFER, RECRUIT, OR PLACE FOR AN EMPLOYER OR PERSON THE OPPORTUNITY TO WORK FOR AN EMPLOYER AND INCLUDES ANY AGENT OF THAT PERSON.

(III) "LABOR ORGANIZATION" INCLUDES AN ORGANIZATION OF ANY KIND, AN AGENCY OR EMPLOYEE REPRESENTATION COMMITTEE, GROUP, ASSOCIATION, OR PLAN IN WHICH EMPLOYEES PARTICIPATE AND WHICH EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF DEALING WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, WAGES, RATES OF PAY, HOURS OR OTHER TERMS OR CONDITIONS OF EMPLOYMENT.

(B) DISCRIMINATION PROHIBITED. IT SHALL BE AN UNLAWFUL DISCRIMINATORY EMPLOYMENT PRACTICE BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT, WEIGHT, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, SEXUAL ORIENTATION, POLITICAL ORIENTATION, HANDICAP, THE USE OF ADAPTIVE DEVICES, SOURCE OF INCOME, OR ARREST, DETENTION OR DISPOSITION OF A VIOLATION OF LAW IN WHICH A CONVICTION DID NOT RESULT:

(I) FOR ANY EMPLOYER TO REFUSE TO HIRE OR EMPLOY, OR TO RECRUIT, OR TO BAR OR DISCHARGE FROM EMPLOYMENT, OR OTHERWISE TO DISCRIMINATE AGAINST ANY INDIVIDUAL IN COMPENSATION OR IN THE TERMS, CONDITIONS, OR PRIVILEGES OF EMPLOYMENT;

(II) FOR AN EMPLOYER TO REFUSE TO HIRE OR EMPLOY, OR TO PROMOTE AN INDIVIDUAL ON THE BASIS OF PHYSICAL OR MENTAL EXAMINATIONS THAT ARE NOT DIRECTLY RELATED TO THE REQUIREMENTS OF THE SPECIFIC JOB;

(III) FOR AN EMPLOYER TO REFUSE TO HIRE, OR EMPLOY, OR RECRUIT, OR TO PROMOTE, OR TO BAR OR DISCHARGE AN INDIVIDUAL WHEN ADAPTIVE DEVICES OR AIDS MAY BE UTILIZED THEREBY ENABLING THAT INDIVIDUAL TO PERFORM THE SPECIFIC REQUIREMENTS OF THE JOB OR OTHERWISE REASONABLY ACCOMMODATE AN INDIVIDUAL UNLESS UNDUE HARDSHIP WOULD RESULT:

(IV) FOR ANY EMPLOYMENT AGENCY TO FAIL OR REFUSE TO REFER FOR EMPLOYMENT, OR TO CLASSIFY OR OTHERWISE TO DISCRIMINATE AGAINST, ANY INDIVIDUAL;

(V) FOR ANY EMPLOYER OR EMPLOYMENT AGENCY TO PRINT, CIRCULATE, OR CAUSE TO BE PRINTED OR CIRCULATED ANY STATEMENT, ADVERTISEMENT, OR PUBLICATION OR TO USE ANY FORM OF APPLICATION FOR EMPLOYMENT OR TO MAKE ANY INQUIRY IN CONNECTION WITH PROSPECTIVE EMPLOYMENT, WHICH EXPRESSES, DIRECTLY OR INDIRECTLY, ANY LIMITATION, SPECIFICATION, OR DISCRIMINATION;

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(VI) FOR ANY LABOR ORGANIZATION TO EXCLUDE OR EXPEL FROM ITS MEMBERSHIP ANY INDIVIDUAL OR TO DISCRIMINATE IN ANY WAY AGAINST ANY OF ITS MEMBERS, EMPLOYERS, OR EMPLOYEES;

(VII) FOR ANY EMPLOYER, LABOR ORGANIZATION, OR EMPLOYMENT AGENCY TO DISCHARGE, EXPEL, OR OTHERWISE DISCRIMINATE AGAINST ANY INDIVIDUAL BECAUSE THE INDIVIDUAL HAS OPPOSED ANY PRACTICE FORBIDDEN BY THIS PART OR HAS FILED A COMPLAINT, TESTIFIED, OR ASSISTED IN ANY PROCEEDING RESPECTING THE DISCRIMINATORY PRACTICE PROHIBITED UNDER THIS PART.

(C) EXEMPTIONS. THIS SECTION SHALL NOT APPLY TO:

(I) THE EMPLOYMENT OF AN INDIVIDUAL BY HIS/HER PARENT, SPOUSE, DOMESTIC PARTNER OR CHILD; OR

(II) INFORMATION RELATIVE TO A FELONY CHARGE BEFORE CONVICTION OR DISMISSAL; OR

(III) A LAW ENFORCEMENT AGENCY WITH REGARDS TO INFORMATION CONCERNING ARREST, DETENTION OR DISPOSITION OF A LAW IN WHICH A CONVICTION DID NOT RESULT.

(D) THIS SECTION SHALL NOT BE CONSTRUED TO:

(I) PROHIBIT OR PREVENT ANY RELIGIOUS OR DENOMINATIONAL INSTITUTION OR ORGANIZATION, OR ANY ORGANIZATION OPERATED FOR CHARITABLE OR EDUCATIONAL PURPOSES, THAT IS OPERATED, SUPERVISED, OR CONTROLLED BY OR IN CONNECTION WITH A RELIGIOUS ORGANIZATION, FROM GIVING PREFERENCE TO INDIVIDUALS OF THE SAME RELIGION OR DENOMINATION OR FROM MAKING A SELECTION CALCULATED TO PROMOTE THE RELIGIOUS PRINCIPLES FOR WHICH THE ORGANIZATION IS ESTABLISHED OR MAINTAINED UNLESS MEMBERSHIP IN SUCH RELIGION IS RESTRICTED ON THE BASIS OF RACE, COLOR, NATIONAL ORIGIN, OR SEX; OR

(II) CHANGE THE DEFINITION OF FAMILY OR DEPENDENT IN AN EMPLOYEE BENEFIT PLAN; OR

(III) PROHIBIT OR PREVENT PUBLIC OR PRIVATE SCHOOLS, LICENSED CHILD CARE CENTERS OR CHILD CARING INSTITUTIONS, OR A LICENSED FOSTER CARE FACILITY OR A LICENSED BUSINESS, WHOSE PRIMARY FUNCTION IS PROVIDING SERVICES TO MINORS, FROM CONSIDERING CRIMINAL CONVICTIONS IN DETERMINING WHETHER A PROSPECTIVE EMPLOYEE IS SUITED TO WORKING IN CLOSE PROXIMITY TO CHILDREN; OR

(IV) PROHIBIT AN EMPLOYER FROM UNDERTAKING A VOLUNTARY AFFIRMATIVE ACTION PLAN PURSUANT TO FEDERAL, STATE, OR LOCAL LAWS.

(V) TO IMPOSE MORE STRINGENT REQUIREMENTS ON EMPLOYERS THAN IS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT, 42 USC §12101, ET SEQUENTIA.

(E) AN EMPLOYER MAY HAVE A BONA FIDE OCCUPATIONAL QUALIFICATION ON THE BASIS OF RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT, WEIGHT, MARITAL STATUS, NATIONAL ORIGIN OR POLITICAL ORIENTATION, PROVIDED THAT THE EMPLOYER SHALL HAVE THE BURDEN OF ESTABLISHING THAT THE QUALIFICATION IS REASONABLY NECESSARY TO THE NORMAL OPERATION OF THE BUSINESS. UPON SUFFICIENT SHOWING, THE BOARD MAY GRANT AN EXEMPTION TO THIS SECTION.

(3) PUBLIC ACCOMMODATION AND PUBLIC SERVICES.

(A) AS USED IN THIS SECTION:

(I) "PLACE OF PUBLIC ACCOMMODATION" MEANS A BUSINESS, OR AN EDUCATIONAL, REFRESHMENT, ENTERTAINMENT, RECREATION, HEALTH OR TRANSPORTATION FACILITY, OR INSTITUTION OF ANY KIND, WHETHER LICENSED OR NOT, WHOSE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS ARE EXTENDED, OFFERED, SOLD, OR OTHERWISE MADE AVAILABLE TO THE PUBLIC.

(II) "PUBLIC SERVICE" MEANS A PUBLIC FACILITY, DEPARTMENT, AGENCY, BOARD, OR COMMISSION, OWNED, OPERATED, OR MANAGED BY OR ON BEHALF OF THE STATE, A POLITICAL SUBDIVISION, OR AN AGENCY THEREOF, OR A NON-PROFIT ORGANIZATION, OR A TAX EXEMPT PRIVATE AGENCY ESTABLISHED TO PROVIDE SERVICE TO THE PUBLIC.

(B) PUBLIC ACCOMMODATIONS AND PUBLIC SERVICES; PROHIBITED PRACTICES. EXCEPT WHERE PERMITTED BY LAW, A PERSON SHALL NOT:

(I) DENY AN INDIVIDUAL THE FULL AND EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS OF A PLACE OF PUBLIC ACCOMMODATION OR PUBLIC SERVICE BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, HEIGHT, WEIGHT, FAMILIAL STATUS, MARITAL STATUS, NATIONAL ORIGIN, SEXUAL ORIENTATION, POLITICAL ORIENTATION, HANDICAP, USE BY AN INDIVIDUAL OF ADAPTIVE DEVICES OR AIDS, OR SOURCE OF INCOME.

(II) PRINT, CALCULATE, POST, MAIL, OR OTHERWISE CAUSE TO BE PUBLISHED A STATEMENT, ADVERTISEMENT, NOTICE, OR SIGN WHICH INDICATES THAT THE FULL AND EQUAL ENJOYMENT OF THE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS OF A PLACE OF PUBLIC ACCOMMODATION OR PUBLIC SERVICE WILL BE REFUSED, WITHHELD FROM, OR DENIED AN INDIVIDUAL BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT, WEIGHT, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN,

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SEXUAL ORIENTATION, POLITICAL ORIENTATION, HANDICAP, USE BY AN INDIVIDUAL OF ADAPTIVE DEVICES OR AIDS, OR SOURCE OF INCOME, OR THAT AN INDIVIDUAL'S PATRONAGE OF OR PRESENCE AT A PLACE OF PUBLIC ACCOMMODATION IS OBJECTIONABLE, UNWELCOME, UNACCEPTABLE, OR UNDESIRABLE BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT AND WEIGHT, HANDICAP, MARITAL STATUS, NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP, USE BY AN INDIVIDUAL OF ADAPTIVE DEVICES OR AIDS, OR SOURCE OF INCOME.

(C) EXEMPTIONS UNDER THIS SECTION: THIS SECTION SHALL NOT APPLY TO A PRIVATE CLUB OR OTHER ESTABLISHMENT NOT IN FACT OPEN TO THE PUBLIC, EXCEPT TO THE EXTENT THAT THE GOODS, SERVICES, FACILITIES, PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS OF THE PRIVATE CLUB OR ESTABLISHMENT ARE MADE AVAILABLE TO THE CUSTOMERS OR PATRONS OF ANOTHER ESTABLISHMENT THAT IS A PLACE OF PUBLIC ACCOMMODATION, OR IF IT IS LICENSED, CHARTERED, OR CERTIFIED BY THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS.

296.04 ENFORCEMENT.

(A) TO THE EXTENT PERMITTED BY LAW, ALL COMPLAINTS OF HOUSING, EMPLOYMENT, ~~AND~~ PUBLIC ACCOMMODATION AND PUBLIC SERVICES DISCRIMINATION RECEIVED BY CITY DEPARTMENTS SHALL BE KEPT CONFIDENTIAL AND FORWARDED TO THE HUMAN RELATIONS AND COMMUNITY SERVICES DEPARTMENT FOR REVIEW AND INVESTIGATION. COMPLAINTS SHALL BE IN WRITING OR, IF ORAL, SHALL BE REDUCED TO WRITING AND SHALL CONTAIN SUCH INFORMATION AND BE IN SUCH FORM AS THE DEPARTMENT REQUIRES. THE DEPARTMENT SHALL:

(I) RECEIVE, INVESTIGATE, MAKE RECOMMENDATIONS, INITIATE AND ATTEMPT TO CONCILIATE ANY COMPLAINTS OF HOUSING, EMPLOYMENT, ~~AND~~ PUBLIC ACCOMMODATION AND PUBLIC SERVICES DISCRIMINATION BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT, WEIGHT, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, POLITICAL ORIENTATION, HANDICAP, THE USE BY AN INDIVIDUAL OF ADAPTIVE DEVICES OR AIDS, OR SOURCE OF INCOME

(II) ENSURE THAT NO EXCESSIVE BURDENS ARE PLACED ON COMPLAINANTS WHICH MIGHT DISCOURAGE FILING OF COMPLAINTS REGARDING DISCRIMINATION;

(III) COMMENCE AND COMPLETE COMPLAINT PROCESSING IN A TIMELY MANNER; AND

(IV) PROMULGATE AND PUBLISH RULES AND GUIDELINES FOR THE PROCESSING, INVESTIGATION AND RESOLUTION OF COMPLAINTS. THE DEPARTMENT ALSO MAY REFER TO THE OFFICE OF THE CITY ATTORNEY ANY COMPLAINT OF HOUSING, EMPLOYMENT, PUBLIC ACCOMMODATION, AND PUBLIC SERVICES DISCRIMINATION FOR THE PURPOSE OF THE CITY ATTORNEY REVIEW FOR POSSIBLE PROSECUTION.

(B) IT SHALL ALSO BE CONSIDERED A VIOLATION OF THIS CHAPTER FOR;

(I) A PERSON OR PERSONS TO COERCE INTIMIDATE, THREATEN, OR INTERFERE WITH ANY PERSON IN THE EXERCISE OR ENJOYMENT OF, OR AN ACCOUNT OF ONE'S HAVING EXERCISED OR ENJOYED, OR ON ACCOUNT OF ONE'S HAVING AIDED OR ENCOURAGED ANY OTHER PERSON IN THE EXERCISE OR ENJOYMENT OF ANY RIGHT GRANTED OR PROTECTED BY THIS CHAPTER.

(II) A PERSON TO COERCE, THREATEN OR RETALIATE AGAINST ANY INDIVIDUAL OR ORGANIZATION FOR MAKING A COMPLAINT OR ASSISTING IN AN INVESTIGATION REGARDING A VIOLATION OR ALLEGED VIOLATION OF THIS CHAPTER OR REQUIRE, REQUEST, CONSPIRE WITH, ASSIST OR COERCE ANOTHER PERSON TO RETALIATE AGAINST ANY INDIVIDUAL OR ORGANIZATION FOR MAKING A COMPLAINT OR ASSISTING IN ANY INVESTIGATION PURSUANT TO THIS CHAPTER.

(III) A PERSON TO CONSPIRE WITH, ASSIST, COERCE OR REQUEST ANOTHER PERSON TO DISCRIMINATE IN ANY MANNER PROHIBITED BY THIS CHAPTER.

(III) A PERSON TO PROVIDE FALSE OR SUBSTANTIALLY MISLEADING INFORMATION TO ANY AUTHORIZED PERSON INVESTIGATING A COMPLAINT REGARDING A VIOLATION OF THIS CHAPTER, OR SIGN A COMPLAINT FOR A VIOLATION OF THIS CHAPTER BASED UPON FALSE OR SUBSTANTIALLY MISLEADING INFORMATION.

296.05 BURDEN OF PROOF. [EDITORS NOTE: SECTION RESERVED FOR FUTURE USE.]

296.06 CONFLICTS.

NOTHING CONTAINED IN THIS CHAPTER SHALL BE DEEMED OR INTERPRETED TO SUPERSEDE OR CONFLICT WITH ANY LAW OF THE STATE OR THE UNITED STATES RELATING TO DISCRIMINATION BECAUSE OF RELIGION, RACE, COLOR, SEX, AGE, SEXUAL ORIENTATION, FAMILIAL STATUS, HEIGHT, WEIGHT, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, POLITICAL ORIENTATION, HANDICAP, USE OF ADAPTIVE DEVICES OR AIDS BY AN INDIVIDUAL, OR SOURCE OF INCOME

296.07 REMEDIES CUMULATIVE; COOPERATION OF CITY WITH STATE CIVIL RIGHTS COMMISSION AND THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS.

NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO LIMIT THE RIGHTS OF ACCESS BY AN INDIVIDUAL TO REMEDIES BEFORE THE STATE CIVIL RIGHTS COMMISSION OR BEFORE ANY STATE COURT ON AN INDIVIDUAL BASIS, OR TO PROHIBIT COOPERATION

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BETWEEN THE CITY AND THE STATE CIVIL RIGHTS COMMISSION AND THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS.

296.08 EXPIRATION.

THIS CHAPTER SHALL EXPIRE TEN YEARS FROM THE DATE OF ITS ADOPTION UNLESS READOPTED BY THE LANSING CITY COUNCIL.

296.09 CLARIFICATIONS.

(1) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED:

(A) TO ENTITLE ANYONE TO AFFIRMATIVE ACTION CONSIDERATION BASED UPON SEXUAL ORIENTATION; OR

(B) TO REQUIRE OR PRECLUDE TEACHING ABOUT SEXUAL ORIENTATION WITHIN A SCHOOL OR EDUCATIONAL INSTITUTION. THE DECISION TO INCLUDE SUCH INSTRUCTION WILL REMAIN WITH THE GOVERNING BODY OF THE SCHOOL OR EDUCATIONAL INSTITUTION;

(2) THE PROTECTION AFFORDED UNDER THIS CHAPTER ON THE BASIS OF SEXUAL ORIENTATION SHALL NOT APPLY TO RELIGIOUS ORGANIZATIONS INCLUDING EDUCATIONAL INSTITUTIONS OWNED OR CONTROLLED BY SUCH ORGANIZATIONS EXCEPT FOR THE FOR PROFIT ACTIVITIES OF RELIGIOUS ORGANIZATIONS SUBJECT TO TAXATION UNDER SECTION 511 (A) OF THE INTERNAL REVENUE CODE.

(3) IN ENACTING THIS CHAPTER, THE CITY COUNCIL DOES NOT INTEND, AND NOTHING IN THIS CHAPTER SHALL BE SO CONSTRUED, TO MODIFY, AMEND OR EXPAND THOSE PROTECTED CLASSIFICATIONS WHICH ARE SUBJECT TO THE AFFIRMATIVE ACTION PROVISIONS CONTAINED IN SECTION 6-301 OF THE CHARTER OR CONTAINED WITHIN OTHER ORDINANCES OF THE CITY. IT IS THE LEGISLATIVE INTENT OF THE CITY COUNCIL THAT THE CLASS OF "SEXUAL ORIENTATION" NOT BE DETERMINED A STATUS PROTECTED BY THE AFFIRMATIVE ACTION REQUIREMENTS OF CHARTER SECTION 6-301. NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO ENTITLE ANYONE TO AFFIRMATIVE ACTION CONSIDERATION BASED UPON SEXUAL ORIENTATION.

296.99 VIOLATION AS A MUNICIPAL CIVIL INFRACTION.

(1) A PERSON WHO VIOLATES THIS CHAPTER IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION WITHIN THE MEANING OF ACT 12 OF THE PUBLIC ACTS OF 1994, SUBJECT TO PAYMENT OF A CIVIL FINE OF UP TO TWENTY-FIVE HUNDRED ($2,500) DOLLARS, PLUS COSTS AND OTHER SANCTIONS FOR EACH INFRACTION.

(2) REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS SET FORTH IN SECTION 296.99(3) HEREOF. AS USED IN THIS SECTION, "REPEAT OFFENSE" MEANS A SECOND (OR ANY SUBSEQUENT) MUNICIPAL CIVIL INFRACTION OF THIS CHAPTER AS FOLLOWS:

(A) THE OFFENSE WAS COMMITTED BY A PERSON WITHIN A THREE MONTH PERIOD OF A PRIOR VIOLATION OF THIS CHAPTER;

(B) THE PERSON ADMITS RESPONSIBILITY OR IS DETERMINED TO BE RESPONSIBLE FOR COMMITTING THE OFFENSE.

(3) FINES FOR REPEAT OFFENSES ARE AS FOLLOWS:

(A) FOR ANY OFFENSE WHICH IS A FIRST REPEAT OFFENSE, THE FINE SHALL BE NO LESS THAN $1,000 AND NOT MORE THAN $10,000, PLUS COSTS AND OTHER SANCTIONS.

(B) THE FINE FOR ANY OFFENSE WHICH IS A SECOND REPEAT OFFENSE OR SUBSEQUENT REPEAT OFFENSE SHALL BE NO LESS THAN $2,000 DOLLARS AND NOT MORE THAN $15,000 PLUS COSTS AND OTHER SANCTIONS.

(4) THE PROVISIONS OF THIS CHAPTER SHALL BE ENFORCED BY AN AUTHORIZED CITY OFFICIAL. A MUNICIPAL INFRACTION UNDER THIS SECTION MAY BE COMMENCED UPON THE ISSUANCE BY AN AUTHORIZED CITY OFFICIAL OF A MUNICIPAL CIVIL INFRACTION CITATION DIRECTING THE ALLEGED VIOLATOR TO APPEAR IN COURT OR A MUNICIPAL CIVIL INFRACTIONS BUREAU, IF ONE EXISTS. "AUTHORIZED CITY OFFICIAL" MEANS THE DIRECTOR OF THE HUMAN RELATIONS AND COMMUNITY SERVICES DEPARTMENT OR THE DIRECTOR OF ANY SUCCESSOR DEPARTMENT.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE OF THE WHOLE:

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 297, SECTIONS 297.02, 297.03, 297.04, 297.06 AND ADDING NEW SECTIONS 297.08, 297.09 AND 297.10 FOR THE PURPOSE OF PROVIDING NEW PROTECTED CLASSES

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of Sexual Orientation, Familial Status and Source of Income within the Jurisdiction of the Human Relations Board, be placed on order of immediate passage

BY THE COMMITTEE OF THE WHOLE:

By Councilmember Beal

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 297, Sections 297.02, 297.03, 297.04, 297.06 and Adding New Sections 297.08, 297.09 and 297.10 for the purpose of providing new Protected Classes of Sexual Orientation, Familial Status and Source of Income within the Jurisdiction of the Human Relations Board, be now passed.

YEAS: Councilmembers Bauer, Beal, Jones, Leeman, Novak

NAYS: Councilmembers Allen, Benavides, Lilly

ABSENT: None

Marilynn Slade, City Clerk

CHAPTER 297
RICHARD D. LETTS HUMAN RELATIONS ORDINANCE

ORDINANCE NO. 945

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 297, SECTION 297.02, 297.03, 297.04, 297.06; AND ADDING NEW SECTIONS 297.08, 297.09, AND 297.10; FOR THE PURPOSE OF PROVIDING NEW PROTECTED CLASSES OF SEXUAL ORIENTATION, FAMILIAL STATUS, AND SOURCE OF INCOME WITHIN THE JURISDICTION OF THE HUMAN RELATIONS BOARD.

The City of Lansing ordains:

Section 1. That Chapter 297 of the Code of Ordinances of the City of Lansing, Michigan be amended to be read as follows:

297.01 ESTABLISHMENT OF HUMAN RELATIONS BOARD; MEMBERSHIP; TERMS; VACANCIES.

There is hereby established a Human Relations Board in and for the City. The Board shall consist of twelve members to be appointed by the Mayor with the approval of Council. One of the members shall be designated by the Board as Chairperson. The members of the Board, as nearly as possible, shall be representative of the diverse groups within the City. They shall serve without compensation. Of the twelve members first appointed, one-fourth shall serve for one year, one-fourth for two years, one-fourth for three years, and one-fourth for four years. Thereafter, all appointments to the Board shall be for a term of four years. In the event of the death or resignation of any member, a successor shall be appointed to serve for the unexpired term for which such member had been appointed in the manner heretofore described.

297.02 GENERAL DUTIES OF BOARD.

The Human Relations Board shall:
(a) Foster mutual understanding and respect among all groups in the City. It shall discourage discriminatory practices among any such groups or any members thereof. It shall cooperate with City, State and Federal agencies, as well as with nongovernmental organizations. It shall examine and CONDUCT studies in any field of human relations THAT WILL aid in ACCOMPLISHING its general purpose.
(b) Advise and recommend methods for furnishing equal service to all residents of the City. It shall advise on the enforcement of Section 1-302 of the City Charter. It shall develop pamphlets for City employees to study, which pamphlets shall prescribe methods of dealing with intergroup relations which develop respect for equal rights and which result in equal treatment without regard to, but not limited to, race, color, creed, national origin, ancestry, sex, age, height, weight, handicap, marital status or political orientation, SEXUAL ORIENTATION, FAMILIAL STATUS, OR SOURCE OF INCOME, assuring fair and equal treatment under law to all residents. It shall give counsel and advice on how to protect the rights of all persons to enjoy public accommodations and facilities, and to receive equal treatment from all holders of contracts or privileges from the City, and advise the best method of maintaining equality of opportunity for employment and advancement in the City government.
(c) Study and examine problems arising between groups in the City, which problems may result in tensions, discrimination or prejudices on account of, but not limited to, race, color, creed, sex, age, height, weight, handicap, marital status, political orientation, national origin, ancestry, SEXUAL ORIENTATION, FAMILIAL STATUS, AND SOURCE OF INCOME.
(d) Formulate and carry out programs of community education and information IN

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COOPERATION WITH EDUCATIONAL AND COMMUNITY ORGANIZATIONS WITH THE OBJECT OF DISCOURAGING AND ELIMINATING ANY SUCH TENSIONS, PREJUDICE, INTOLERANCE OR DISCRIMINATION;

(E) EXAMINE AND, IF IT DEEMS IT ADVISABLE, MAKE PUBLIC, REPORTS ON ANY COMPLAINTS OF DISCRIMINATION, TENSIONS, INTOLERANCE OR PREJUDICE FILED WITH OR REFERRED TO IT;

(F) FURTHER ISSUE SUCH PUBLICATIONS AND REPORTS OF EXAMINATIONS AND RESEARCH AS WILL, IN ITS JUDGMENT, TEND TO MINIMIZE OR ELIMINATE PREJUDICE, INTOLERANCE, RACE OR AREA TENSIONS AND DISCRIMINATION, AND WHICH WILL PROMOTE OR TEND TO PROMOTE GOOD WILL;

(G) SECURE THE COOPERATION OF VARIOUS RACIAL, RELIGIOUS, NATIONALITY AND ETHNIC GROUPS, FORMAL OR INFORMAL GROUPINGS IN THE COMMUNITY, VETERANS' ORGANIZATIONS, AND FRATERNAL, BENEVOLENT AND SERVICE GROUPS, IN EDUCATIONAL CAMPAIGNS DEVOTED TO THE NEED FOR ELIMINATING GROUP PREJUDICE, RACIAL OR AREA TENSIONS, INTOLERANCE AND DISCRIMINATION;

(H) COOPERATE WITH OTHER PUBLIC GOVERNMENTAL OR PRIVATE AGENCIES IN DEVELOPING COURSES OF INSTRUCTION FOR PRESENTATION IN PUBLIC AND/OR PRIVATE SCHOOLS, IN PUBLIC LIBRARIES OR ANY OTHER SUITABLE PLACE, SHOWING AND ILLUSTRATING THE CONTRIBUTIONS OF VARIOUS RELIGIONS, NATIONALITIES, ETHNIC AND OTHER GROUPS TO THE CULTURE, TRADITION AND PROGRESS OF OUR CITY, STATE AND NATION, AND FURTHER SHOWING THE DEPLORABLE EFFECTS AND MENACE OF PREJUDICE, INTOLERANCE, DISCRIMINATION AND RACIAL AND AREA TENSIONS;

(I) COOPERATE WITH FEDERAL, STATE AND CITY AGENCIES AND DEPARTMENTS WHICH REQUEST ADVICE IN CARRYING OUT PROJECTS WITHIN THEIR RESPECTIVE AUTHORITIES TO ELIMINATE INTERGROUP TENSIONS AND TO PROMOTE INTERGROUP HARMONY. IT SHALL RECOMMEND TO THE MAYOR AND TO COUNCIL MEASURES, INCLUDING LEGISLATION, AIMED AT IMPROVING THE ABILITY OF THE VARIOUS CITY DEPARTMENTS AND AGENCIES TO ENSURE PROTECTION OF ALL PERSONS AND GROUPS FROM DISCRIMINATION BECAUSE OF, BUT NOT LIMITED TO, RACE, COLOR, CREED, SEX, AGE, HEIGHT, WEIGHT, HANDICAP, MARITAL STATUS, POLITICAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY, SEXUAL ORIENTATION, FAMILIAL STATUS, AND SOURCE OF INCOME. IT SHALL ADVISE ANY OFFICIAL OR COMPETENT AUTHORITY ON MATTERS INVOLVING CIVIL RIGHTS OR THE VIOLATION THEREOF OR THE OCCURRENCE OF TENSIONS, PREJUDICE OR DISCRIMINATION THAT MAY COME TO ITS ATTENTION.

(J) PREPARE AND SUBMIT REPORTS TO THE MAYOR AND COUNCIL OF ITS ACTIVITIES. AT LEAST ONE REPORT SHALL BE MADE ANNUALLY.

297.03 MEETINGS; RULES; OFFICERS; COMMITTEES; FACILITIES AND STAFF.

THE HUMAN RELATIONS BOARD SHALL MEET NOT LESS THAN ONCE A MONTH AND SHALL ADOPT, BY MAJORITY VOTE, SUCH RULES AS IT DEEMS EXPEDIENT FOR THE CONDUCT OF ITS BUSINESS. IT SHALL ELECT A SECRETARY AND SUCH OTHER OFFICERS AS IT DEEMS NECESSARY. THE CHAIRPERSON SHALL APPOINT SUCH COMMITTEES AS THE RULES OF THE BOARD MAY PROVIDE AND SUCH OTHER COMMITTEES AS MAY FORM TIME TO TIME BE FOUND NECESSARY. THE MAYOR ~~MAY~~ SHALL ASSIGN TO THE BOARD OFFICE SPACE, FACILITIES AND APPROPRIATE STAFF, AS DETERMINED NECESSARY BY COUNCIL.

297.04 EXAMINATION OF COMPLAINTS; HEARINGS AND STUDIES.

THE HUMAN RELATIONS BOARD SHALL RECEIVE AND EXAMINE COMPLAINTS OF TENSIONS, PRACTICES OF DISCRIMINATION AND ACTS OF PREJUDICE AND INTOLERANCE AGAINST ANY PERSON OR GROUP BECAUSE OF, BUT NOT LIMITED TO, RACE, COLOR, CREED, SEX, AGE, HEIGHT, WEIGHT, HANDICAP, MARITAL STATUS, POLITICAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY, SEXUAL ORIENTATION, FAMILIAL STATUS, AND SOURCE OF INCOME, AND MAY CONDUCT PRIVATE OR PUBLIC HEARINGS IN ACCORDANCE WITH STATE LAW WITH REGARD THERETO. IT MAY ALSO CARRY ON STUDIES TO OBTAIN FACTUAL DATA TO ASCERTAIN THE STATUS AND TREATMENT OF RACIAL, RELIGIOUS, ETHNIC AND OTHER GROUPS OR PERSONS IN THE CITY AND THE BEST MEANS OF PROGRESSIVELY IMPROVING HUMAN RELATIONS IN THE CITY.

297.05 FAILURE TO FURNISH INFORMATION TO BOARD.

THE GATHERING OF FACTUAL INFORMATION IS VITAL TO THE HUMAN RELATIONS BOARD IN THE PERFORMANCE OF ITS DUTIES. IF ANY PERSON FINDS IT IMPRACTICAL TO SUPPLY SUCH INFORMATION TO THE BOARD, THEN THE BOARD MAY, AT THE DISCRETION, REPORT ON ITS FAILURE TO RECEIVE ADEQUATE INFORMATION TO THE MAYOR. (ORD. 588. PASSED 3-2-81.)

297.06 PROHIBITED DISCRIMINATION BY CITY DEPARTMENTS OR EMPLOYEES.

NO DEPARTMENT OF THE CITY, AND NO CITY OFFICIAL, AGENT OR EMPLOYEE FOR AND ON BEHALF OF THE CITY, SHALL WILLFULLY REFUSE TO EMPLOY, OR DISCHARGE, ANY PERSON IN THE CITY OTHERWISE QUALIFIED, BECAUSE OF RACE, COLOR, RELIGION, SEX, AGE, HEIGHT, WEIGHT, HANDICAP, MARITAL STATUS, POLITICAL ORIENTATION, NATIONAL ORIGIN, SEXUAL ORIENTATION, FAMILIAL STATUS, AND SOURCE OF INCOME, EXCEPT WHERE THE SAME IS A BONA FIDE JOB REQUIREMENT, OR FOR ANY OTHER CAUSE NOT REASONABLY RELATED TO THE ACCOMPLISHMENT OF A

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LEGITIMATE GOVERNMENTAL PURPOSE; DISCRIMINATE FOR THE SAME REASONS IN REGARD TO TENURE, TERMS OR CONDITIONS OF EMPLOYMENT; DENY PROMOTION OR INCREASE IN COMPENSATION SOLELY FOR SUCH REASONS; ADOPT OR ENFORCE ANY RULES OR EMPLOYMENT POLICY WHICH DISCRIMINATES BETWEEN EMPLOYEES ON ACCOUNT OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, HEIGHT, WEIGHT, MARITAL STATUS, POLITICAL ORIENTATION, HANDICAP, SEXUAL ORIENTATION, FAMILIAL STATUS, OR SOURCE OF INCOME, EXCEPT WHERE THE SAME IS A BONA FIDE JOB REQUIREMENT, OR FOR ANY OTHER CAUSE NOT REASONABLY RELATED TO THE ACCOMPLISHMENT OF A LEGITIMATE GOVERNMENTAL PURPOSE; SEEK SUCH INFORMATION AS TO ANY EMPLOYEE AS A CONDITION OF EMPLOYMENT, EXCEPT IN COOPERATION WITH FEDERAL OR STATE AUTHORITIES IN FURTHERANCE OF NATIONAL SECURITY; OR PENALIZE ANY EMPLOYEE OR DISCRIMINATE IN THE SELECTION OF PERSONNEL FOR TRAINING SOLELY ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, HEIGHT, WEIGHT, MARITAL STATUS, POLITICAL ORIENTATION, HANDICAP, SEXUAL ORIENTATION, FAMILIAL STATUS, OR SOURCE OF INCOME, EXCEPT WHERE THE SAME IS A BONA FIDE JOB REQUIREMENT, OR FOR ANY OTHER CAUSE NOT REASONABLY RELATED TO A LEGITIMATE GOVERNMENTAL PURPOSE.

297.07 AFFIRMATIVE ACTION PROGRAM.

(A) THERE IS HEREBY ESTABLISHED AN AFFIRMATIVE ACTION PROGRAM WITHIN THE CITY. THE MAYOR OR A DESIGNEE, HEREAFTER REFERRED TO AS THE AFFIRMATIVE ACTION OFFICER FOR THE CITY, SHALL BE RESPONSIBLE FOR ADMINISTERING AND IMPLEMENTING THE AFFIRMATIVE ACTION PLAN FOR THE CITY.

(B) THE AFFIRMATIVE ACTION OFFICER SHALL DEVELOP AND IMPLEMENT AFFIRMATIVE ACTION PROGRAMS, INCLUDING, BUT NOT LIMITED TO:

(1) REVIEWING CITY PERSONNEL POLICIES TO ENSURE COMPLIANCE WITH THE CITY AFFIRMATIVE ACTION POLICIES. IF THE AFFIRMATIVE ACTION OFFICER CONCLUDES THAT A HIRE OR PROMOTION IS IN VIOLATION, OR MAY BE IN VIOLATION, OF CITY AFFIRMATIVE ACTION POLICIES, THEN THE AFFIRMATIVE ACTION OFFICER MAY SUSPEND SUCH PERSONNEL TRANSACTION FOR TEN DAYS. THE MAYOR OR A DESIGNEE SHALL RECEIVE ALL PERTINENT DATA REGARDING SUCH HIRE OR PROMOTION AND SHALL HAVE FINAL AUTHORITY TO DETERMINE WHETHER OR NOT SUCH A HIRE OR PROMOTION COMPLIES WITH CITY AFFIRMATIVE ACTION POLICIES.

(2) INVESTIGATING ALL COMPLAINTS OF DISCRIMINATION IN EMPLOYMENT WITHIN THE CITY WHICH ARE REFERRED TO THE AFFIRMATIVE ACTION OFFICER, IF SUCH PERSON IS OTHER THAN THE MAYOR. THE AFFIRMATIVE ACTION OFFICER SHALL REPORT TO THE MAYOR THE RESULTS OF SUCH INVESTIGATION.

(3) DEVELOPING AFFIRMATIVE ACTION POLICY RECOMMENDATIONS, INCLUDING AN AFFIRMATIVE ACTION PLAN;

(4) DEVELOPING AND REVIEWING PROCEDURES FOR ASSURING COMPLIANCE WITH AFFIRMATIVE ACTION POLICIES AND THE AFFIRMATIVE ACTION PLAN; AND

(5) REVIEWING PROCEDURES FOR RECRUITING MINORITIES WITHIN CITY EMPLOYMENT AND FORWARDING RESULTS OF SUCH REVIEWS AND ANY RECOMMENDATIONS TO THE MAYOR.

(C) THE MAYOR SHALL REQUIRE THAT ALL CITY DEPARTMENTS, BOARDS, COMMISSIONS, AGENCIES, OFFICERS AND EMPLOYEES SHALL RENDER TO THE AFFIRMATIVE ACTION OFFICER WHATEVER REASONABLE ASSISTANCE AND INFORMATION IS REQUESTED BY SUCH OFFICER.

297.08 ACCESSIBLE MEETINGS.

ALL MEETINGS OPEN TO THE PUBLIC AND CONDUCTED BY THE CITY, A POLITICAL SUBDIVISION, OR AND AGENCY THEREOF SHALL BE HELD IN AN ACCESSIBLE FACILITY OR LOCATION.

297.09 CITY CONTRACTS EQUAL EMPLOYMENT OPPORTUNITY CLAUSE.

A CONTRACT TO WHICH THE CITY, A POLITICAL SUBDIVISION, OR AN AGENCY THEREOF IS A PARTY SHALL CONTAIN A COVENANT BY THE CONTRACTOR AND HIS/HER SUBCONTRACTORS NOT TO DISCRIMINATE AGAINST AN EMPLOYEE OR APPLICANT FOR EMPLOYMENT WITH RESPECT TO HIRE, TENURE, TERMS AND CONDITIONS, OR PRIVILEGES OR EMPLOYMENT, BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, AGE, SEX, HEIGHT, WEIGHT, MARITAL STATUS, POLITICAL ORIENTATION, SEXUAL ORIENTATION, FAMILIAL STATUS, OR SOURCE OF INCOME. BREACH OF THIS COVENANT MAY BE REGARDED AS A MATERIAL BREACH OF CONTRACT.

297.10 CLARIFICATIONS.

(A) NOTHING IN THIS CHAPTER SHALL BE CONSTRUED:

(1) TO ENTITLE ANYONE TO AFFIRMATIVE ACTION CONSIDERATION BASED UPON SEXUAL ORIENTATION; OR

(2) TO REQUIRE OR PRECLUDE TEACHING ABOUT SEXUAL ORIENTATION WITHIN A SCHOOL OR EDUCATIONAL INSTITUTION. THE DECISION TO INCLUDE SUCH INSTRUCTION WILL REMAIN WITH THE GOVERNING BODY OF THE SCHOOL OR EDUCATIONAL INSTITUTION;

(B) THE PROTECTION AFFORDED UNDER THIS CHAPTER ON THE BASIS OF SEXUAL ORIENTATION SHALL NOT APPLY TO RELIGIOUS ORGANIZATIONS

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INCLUDING EDUCATIONAL INSTITUTIONS OWNED OR CONTROLLED BY SUCH ORGANIZATIONS EXCEPT FOR THE FOR- PROFIT ACTIVITIES OF RELIGIOUS ORGANIZATIONS SUBJECT TO TAXATION UNDER SECTION 511 (A) OF THE INTERNAL REVENUE CODE.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER BENAVIDES; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADDITION OF A SPECIAL CEREMONY FOR A PRESENTATION TO THE MAYOR'S DRUG FREE YOUTH TASK FORCE

THE RULES WERE SUSPENDED AND A SPECIAL CEREMONY WAS CONDUCTED

2. FROM COUNCILMEMBER LEEMAN; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADDITION OF A SPECIAL CEREMONY FOR THE PRESENTATION OF A RESOLUTION OF TRIBUTE TO GEORGE HARLOW

THE RULES WERE SUSPENDED AND A SPECIAL CEREMONY WAS CONDUCTED

PUBLIC COMMENTS

WILLIAM HUBBELL 1827 ½ S. HOLMES SAID THAT ANY ATTEMPT TO NAME THE SOUTH SIDE COMMUNITY CENTER FOR ANYONE SHOULD BE PLACED IN THE JURISDICTION OF THE MEMORIAL REVIEW BOARD.

LLOYD TEETS OF 116 E. ELM ST. SAID THAT ANY LETTERS SENT TO COUNCILMEMBER LEEMAN ARE HIS PROPERTY AND SHOULD NOT HAVE TO BE TURNED OVER TO OTHER COUNCILMEMBERS. HE CRITICIZED COUNCILMEMBER LILLY FOR THE LENGTH OF HIS STATEMENTS IN OPPOSITION TO THE PASSAGE OF THE CIVIL RIGHTS ORDINANCES.

MARK EGGLESTON OF 4001 HEATHGATE THANKED COUNCILMEMBERS LILLY, ALLEN AND BENAVIDES FOR VOTING AGAINST THE CIVIL RIGHTS ORDINANCES. IT IS HIS BELIEF THAT THIS ISSUE SHOULD BE PUT ON THE BALLOT FOR THE RESIDENTS OF THE CITY TO DECIDE. HE INVITED THE PUBLIC TO A LEGAL DEFENSE FUND RAISER HE WILL HOLD ON FRIDAY, MARCH 22, 1996. IT WILL BE A SPAGHETTI DINNER AT COREY'S RESTAURANT THIS FRIDAY, BETWEEN 5:00 AND 8:00 P.M. ANY QUESTIONS CAN BE ADDRESSED BY CALLING 394-6453

MARGE OJIBWAY OF 310 SEYMOUR CRITICIZED COUNCILMEMBERS WHO VOTED IN FAVOR OF THE CIVIL RIGHTS ORDINANCES AND PREDICTED THAT IT WILL VICTIMIZE INNOCENT PEOPLE. SHE CALLED FOR A RECONSIDERATION OF TONIGHT'S VOTE ON THIS ISSUE.

MIKE PARR OF 210 N. JENISON SAID THAT IT IS GREAT TO SEE LANSING PROMOTE DIVERSITY. HE COMMENDED EVERYONE WHO VOTED IN FAVOR OF THE ORDINANCES.

COUNCILMEMBERS COMMENTS

COUNCIL PRESIDENT JONES CONGRATULATED THE BOYS BASKETBALL TEAM FROM EVERETT HIGH SCHOOL FOR MAKING IT TO THE 1/4 STATE FINALS.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

MR. WIENER THANKED COUNCIL FOR THE VOTE ON THE CIVIL RIGHTS ORDINANCES AND SAID THAT HE HOPES THAT AS THE IMPLEMENTATION OF THE ORDINANCES GOES FORWARD, IT WILL BE WITH A SPIRIT OF UNDERSTANDING THAT WILL HELP TO HEAL THE COMMUNITY.

ADJOURNED 12:00 A.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS MARCH 25, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

Council President Jones declared a moment of silent contemplation of the joy of life in lieu of the Invocation and led the Pledge of Allegiance

MAYOR HOLLISTER'S FISCAL YEAR 1996-97 BUDGET PROPOSAL

Building on Progress

President Jones, Members of the City Council, and citizens of Lansing, I am pleased to present to you my budget message for Fiscal Year 1996-97. The development of the budget is an important event for all of us, because the budget is a statement of our values and goals as a community. It represents our best efforts as decision-makers to invest limited resources in those programs and services which respond to the diverse needs of our community.

I believe that a budget best represents community needs if it is developed with the fullest possible participation of community members. Therefore, I recognize and appreciate the excellent work of my Cabinet members and other City staff in developing this budget proposal and I look forward to the City Council's full examination and discussion of the budget over the coming weeks.

In this regard, I would like to thank the Council for the progress it has made over the past two years in developing budget priorities to guide our budget development process. I can assure you that these priorities were carefully reviewed by my Administration, and I am confident that you will see their imprint as you review my proposals. I again pledge the open collaboration and sharing of information necessary for you to make informed judgments. And most important, I encourage citizens to follow the Council's deliberations on the budget and to offer their own ideas and opinions.

I look back with considerable pride over what we collectively have accomplished in the last two years. There is a new vibrancy in Lansing, and an invigorated sense of commitment to the improved safety and quality of life in our neighborhoods. I am filled with optimism about what we can accomplish in our City if we all continue to work together. We need to use this year's budget as a vehicle to continue this development of our community in a responsible manner.

Fiscal Integrity

I emphasize the words "responsible manner" because they highlight the foundations of honest budgeting upon which we have brought progress and change to Lansing. Like our previous budgets, I first want to emphasize that this budget is fully balanced without raising any taxes and without using any fund balances or gimmicks. The budget is based on continuation of the 17.4 mills for operating and debt service, and the recommended general fund expenditures of $89.67 million are fully supported by projected revenues of $89.67 million .

Fortunately, the strength of our economy and our own financial management initiatives should allow us to continue and improve upon our most important City priorities without raising taxes. Although there always are uncertainties in the Michigan economy–and in the amount of federal and state funds available–our best estimate of overall revenue growth is about 4% in the coming year.

To assure our continued fiscal stability, I am again recommending that 25% of any Fiscal Year 1995-96 budget surplus be added to the City's Budget Stabilization Fund. We currently have over $6.8 million in this rainy day fund, or 8% of the current year budget. This is an important protection against any downturn in the economy.

To further enhance our future fiscal position, we will be able to utilize an additional $1 million in the current year for the pre-funding of retiree health care. Largely because of decreased health care rates, which result from the better than average health experiences of our employees, we have built up higher health insurance reserves than are required for sound management of our health insurance system. Moving funds from these health reserves to the pre-funding of health care thus represents another prudent investment in our future.

Our fiscal health has improved significantly. We

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have refinanced the City's parking and T.I.F.A debt in a manner consistent with our ability to finance the debt service. We have a strong rainy day fund and a balanced budget. We have increased our commitment to prefund retirement health care. The financial community has responded to our sound financial management by enhancing our credit rating.

We must do everything possible to use our current financial health to assure continued growth and development in the future. It is this recognition that has led me to make infrastructure development the major thrust of the Fiscal Year 1996-97 budget.

Infrastructure Development

The future vitality of our City requires that we invest wisely and sufficiently in our infrastructure – the roads, buildings, sewers, and equipment that form the structural foundation of a community. With your cooperation, we have increased the general fund contributions for capital projects by 55% over the last two years, and we have emphasized the importance of infrastructure investment by dedicating a portion of the general fund budget each year for such purposes. Unfortunately, the years of infrastructure neglect that preceded us have made even this increased commitment insufficient to meet the most pressing needs of our City.

Consequently, tonight I am proposing an infrastructure budget that represents Lansing's most comprehensive program ever for infrastructure development –with over $36 million dedicated to capital projects. Included are over $12.4 million in storm and sanitary sewer related infrastructure improvements, over $5 million for roads, and $13.1 million in projects related to critical police and fire needs.

These proposals are the culmination of the renewed efforts we have placed on meeting the City Charter requirement for a six year capital improvements plan. A year-long planning process has identified over $100 million in infrastructure needs. To prioritize among these competing needs, we have developed a priority system that focuses on safety or legal requirements, maintaining existing infrastructure, and providing strategic investments for the benefit of our City and citizens.

To provide the funding necessary to meet our most pressing infrastructure needs, I am proposing that the City bond for $12 million in the coming year. To meet the debt service on these bonds, we will use $1 million of the increased infrastructure funding that we have generated over the past two years and still maintain 4.3% of our general fund budget for infrastructure improvement.

The projects to be undertaken with the bond funds will be used for essential police and fire needs only. Included will be $5.5 million for major renovations of our fire stations recommended by the recently completed fire facility study; $4 million for the relocation of our fire and police vehicle maintenance garage; and $2.5 million for a new police and fire radio system.

While I know that this proposal is ambitious, I must point out that it only begins to address the infrastructure needs so critical to our City's long-term prosperity. Looking ahead, the City will pay off our voter approved transportation bonds in six years. At that time, we will be able to bond for over $40 million in additional infrastructure projects without an increase in our existing millage rate.

Strengthening Neighborhood Safety and Opportunities

Our families and youth are our City's greatest assets, and the neighborhoods in which they live are the fabric which binds us together. There is no greater responsibility for a budget than to invest in programs which make our neighborhoods safe and which provide families and youth with quality activities and opportunities.

Neighborhood Safety

A neighborhood cannot be an enjoyable place to live if people do not feel safe, and this year's budget continues our efforts to improve neighborhood safety. Our nationally recognized community policing program will be continued and expanded. This program is critical to developing the cooperative linkages between the police and citizens needed to empower neighborhood residents to work together for safety.

We will continue to expand our community-based services by fully-utilizing our South Precinct and Community Center. Not only will the center be used for police services, but also for code compliance services and parks and recreation services. In addition, we will open a North Precinct headquarters and network center that will provide an equivalent range of services to citizens on the north side of town.

I believe that the best crime strategy is one of prevention, and the existence of an adequate police presence in our neighborhoods is one effective means of prevention. Consequently, the Police Department budget again includes funding for extra staffing during the summer months when

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crime problems tend to be most prevalent. In addition, we will aggressively continue the new curfew enforcement program.

The Police Department also has begun to explore Council's request for a police presence in City parks and schools. We expect that our new area problem solving teams will provide the flexibility and resources to respond quickly to any needs that are identified.

Neighborhood Appearance and Traffic Control

Another condition of quality community life is the appearance of our neighborhoods, which has subtle but unmistakable impacts on the spirit of neighborhood residents. Both the Council and neighborhood organizations have expressed concern about the unattractiveness of boarded-up houses in our neighborhoods. I wholeheartedly share these concerns and am supporting the Council's recommendations to improve the appearance of those neighborhoods by using new methods to board of homes and passing on the cost to the owners of the homes.

We also support additional efforts to keep our neighborhoods clean. There are funds in the Community Development Block Grant that will be used to help clean up our neighborhoods, and I am recommending that this be continued. I also am asking Council to support a pilot program to provide trash containers rather than bags, which I believe will draw more customers and make our refuse program more competitive.

Traffic problems also can diminish the quality of life in our neighborhoods. Not only is excessive speeding in some neighborhoods a real danger, but traffic congestion also can be a major irritant to neighborhood residents, both in terms of slower travel times and noise. With this in mind, I am supporting a pilot project to control speeds in residential neighborhoods. We also will work with neighborhood groups and our traffic board to identify concerns and possible solutions to neighborhood traffic problems.

Neighborhood Services and Opportunities

I am very proud of the progress that we have made in expanding recreational and other services in our parks and neighborhoods, and I would like to thank Council President Jones and other Council members for the leadership and commitment they have provided in these efforts. Through our Parks and Recreation Department, we have provided courses which have served over 25,000 people, including 24 kids camps and 315 youth programs. Through our Human Relations Department, we have funded over 12 after school youth programs and have been partners in the Neighborhood Youth and Parent Partnership Program, which has served hundreds of youth and families in our neighborhoods.

To build on these efforts, we will expand our offerings of recreational programs for families and youth, and we will continue the Council's initiative for middle school sports programs. I also recommend continuing the child care program we began last summer to assist working parents who wish to enroll their children in recreation programs but who need child care either before or after the programs.

With the commitment we collectively have made to develop and expand these programs for families and youth, I am recommending funds for a new youth program coordinator and specialist. The fact that this is the only new position I am recommending in my proposed budget reflects the importance I place on neighborhood development. This staff person will oversee and coordinate the array of needs and services for youth in our community. The youth program coordinator and specialist also will work with our grants writer, our police and parks personnel, and with the school district to further develop programs to serve our community's youth.

For the past year and a half, Councilperson Allen and a group of dedicated citizens have worked to put together a proposal for a Southside Community Center. While I applaud their efforts to bring to fruition a dream that Southsiders have had for many years, I am proposing a less expensive alternative to a new center. I believe that the community center portion of the South Police Precinct, coupled with a partnership with the Boys and Girls Club, will meet our needs in a more cost effective manner. Under this partnership, the City will contribute $1.42 million toward capital improvements at this facility and the Boys and Girls Club will raise another $1.2 million. In this way, we can provide sufficient space for a quality center at one-third the cost. By partnering with the Boys and Girls Club, we also will save significantly on the $300,000 in annual operating costs that would be required for a new center.

Finding the most cost effective alternative for a Southside Community Center is particularly important given the pressing needs of other community centers. In particular, I believe that we must invest significant funds to maintain and preserve the Foster Community Center and the Gier and Kingsley Centers.

Quality Staffing and Governmental Efficiency

A leading chief executive officer for a major company recently said, "Our inventory goes home every night". This statement reflects the growing

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recognition among managers that there is no substitute for a highly skilled and motivated work force. We are fortunate to have such a work force in Lansing, and I am pleased to provide full funding for staffing in this budget.

We must also provide our staff with the tools and support needed to do their jobs as effectively as possible. In this regard, I plan to continue our Total Quality Management program and our increased training efforts, as well as the aggressive acquisition of computers and other improved technologies. I also am asking Council for funding that would allow City Clerk Marilyn Slade to improve the effectiveness of our voter registration efforts in this important Presidential election year.

The contributions of City employees often extend well beyond the service they provide through work – City employees also are valuable members of our community. To meet our commitment to expand the number of City employees who are City residents, we are recommending $100,000 for a home purchasing incentive program based upon the successful Sparrow and East Lansing models.

I also share the Council's recognition that if we are to make the most effective use of our funds, we must improve our efforts to measure our performance. Following the recommendations of both the Council and a recent consultant study, we have taken steps in the budget development process this year to begin a pilot project designed to phase in the greater use of performance measures in City government.

Economic Development

The results of our economic development efforts of the last two years are beginning to come to fruition. Lansing is buzzing with anticipation over the historic opening of our new baseball stadium next week, and we already are seeing spin-off businesses spring up. A host of other major economic development activities, such as the Transportation Center and the business incubator, also are well underway.

To continue and expand these economic development efforts, I am recommending additional funding for professional services in the Planning and Neighborhood Development Department. These resources will allow us to bring our Master Plan up to date and to complete the Transportation Center and other downtown projects. Completing these projects in a quality and timely fashion is a key to our strategy for economic growth.

Conclusion

Council members and citizens, the budget I set before you embodies the basic goals and principles of the Council, the Administration, and Lansing's citizens. It supports strong families, safe neighborhoods, a vibrant economy, a commitment to infrastructure improvement, and a management philosophy and practice that focuses on quality improvement and service. It builds upon the foundation that we collectively have put in place and sets a path for quality of life and growth into the next century.

I very much appreciate the opportunity to present my budget recommendations to you. I pledge my full cooperation and wish you well as you examine these proposals and make the difficult budget decisions in the coming weeks.

David C. Hollister, Mayor
March 25, 1996

Referred to the Committee of the Whole

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of March 18, 1996 as submitted

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter of complaint from Linda Whiting of P.O. Box 532, Prudenville, MI 48651 regarding an abusive incident with a Parking System Employee

2. From Councilmember Allen; a letter from Charles Proper of 111 E. Cavanaugh Rd. submitting an appeal of his Stormwater Enterprise Fund fee

3. From Councilmember Allen; a letter from Citizens for a Better Lansing in support of the concept of a South Side Community Center at Washington Park

4. From Councilmember Lilly; an application to Transfer Ownership of a 1994 Class C Liquor License from J.B.'s Saloon (Marden Corporation) to Volume Services, Inc. IM Stadium, Inc. (Oldsmobile Park/Lansing Lugnuts Baseball Stadium)

5. From Councilmember Lilly; a resolution of Tribute to Carl Gravina in observance of the 50th

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Anniversary of his Barber Shop in Lansing

8. From Councilmember Benavides; a resolution of Tribute to the late Cesar Chavez

7. From Councilmember Benavides; a request that a delegation from the Hispanic Community be allowed to address Council following Public Hearings

8. From Councilmember Beal; a resolution re-defining the Downtown Parking District

9. From Councilmember Novak; a resolution allocating funds for the Lansing Housing Fair to be held at the Lansing Center on April 27, 1996

10. From Councilmember Lilly; a request that the rules be suspended to allow for reconsideration of the vote on the Sale of Priggooris Park Property that was taken at last week's meeting, and if the motion to reconsider is successful, that the issue be discussed under the Committee of the Whole portion of tonight's meeting. Councilmember Lilly's motion to reconsider was adopted by a 7/1 vote (Councilmember Beal absent for this vote and counted as a Nay)

PUBLIC HEARINGS

A. In consideration of SLU-01-96, N. Side Beaujardin Dr. at Oakbrook Dr., Special Land Use Request filed by Rev. W.F. Osborn for the Greater Joy Church of God in Christ to allow for the development of a new Church facility

Councilmember Lilly explained that this request is part of the 7-Block Development Project.

Walter F. Osborn of 4172 Norman Lake Rd., Pastor of the Greater Joy Church of God in Christ thanked the Mayor, City Councilmembers, and City staff members who have assisted them on this project. Everyone in City Hall has been extremely helpful to them.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In consideration of Z-22-95, 910 Jerome St., Rezoning Petition from "DM-3" Residential to "D-1" Professional Office District, filed by Sparrow Hospital to allow for the conversion of the Apartment Building to Office and Apartment Use

Bill Vincent, Director of Physical Development at Sparrow Hospital, said that this building will be used for offices for non-public businesses on the lower levels and will retain a residential use for upper levels to maintain apartments for use by medical personnel. The Eastside Neighborhood Organization has cooperated fully in the development of these plans.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

By Councilmember Benavides

That the rules be suspended to allow a delegation from the Hispanic community to speak regarding the raid on the Latin American Culture Club last Sunday.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent for this vote)

John Beltran of 2112 Vassar Dr. said that he is here to protest an incident that occurred last Saturday evening/early Sunday morning at the Latin American Culture Club. He stated that he is here tonight to clear his family name, as well as the name of the Club. He renounced the manner in which the raid was performed. This Center has never been involved in selling alcohol. They abide by the law and never break the rules. They are not guilty of anything. The entire incident is nothing but a big misunderstanding caused by bad information being given to Police Officers. He reported being arrested for selling alcohol without a license, those charges were later dropped, but he has been informed that he could be arrested at the meeting tonight.

Ernesto Mireles of 1097 Meadowlawn reported being in attendance at the Latin American Culture Club when the center was raided. One hundred and twenty people were humiliated that night. If this group is such a threat, why have they been allowed to operate from that location for four years? Everyone knows that you cannot buy liquor from the center. If you want alcoholic beverages you must take your own. They have appeared tonight to correct the false information that is being given out.

Mayor Hollister responded that both he, and the Chief of Police, were out of town when this incident occurred. They are being briefed on what took place. They will set up a meeting with the representatives from the center, the Chief of Police, and himself, and they will review the tape of the raid. There is a tape of the entire incident. The Officers that performed the raid had a warrant that would have allowed the City to confiscate everything in the club, including all assets. This was not done. They could have completely closed the club. This was not done. Ninety-four (94) of the people present were issued citations and allowed to go home. They were not detained. There will be a thorough

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review of the incident, and Council and the community will be told the truth of the episode.

PUBLIC COMMENT

Apaxu Maiz of 618 Bainbridge read a prepared speech regarding a dinner honoring the late Cesar Chavez and the group that founded the "Chavez Memorial Fund". He would like to see more disclosure by this group in their literature. They have circulated fliers soliciting donations to pay for the dinner, and he believes they should give more information about themselves in the fliers.

Francisco Lopez of 1030 Ontario continued reading the speech presented by Mr. Maiz. He stated that they have formed a group to picket the Chavez Memorial Dinner.

Connie Delaney of 3721 Aurelius protested the amount of her Stormwater Enterprise Fund billing. This bill amounts to $3,049.00 which is more than her property taxes. This property has been in her family since 1847, but, she and her husband cannot afford to pay this fee and will probably lose their property because of it. This is unconstitutional. She demanded that an appeal hearing be scheduled and an On-site evaluation of her property conducted.

Councilmember Allen said that she would set up a meeting with the Public Service Director.

Mr. Wiener said that he has proposed guidelines for appeal by people who own property that is of the same nature as Ms. Delaney's. They are aware of Mrs. Delaney's problem, and are working on it. This problem is being taken up by the Public Service Committee, as well as by the Public Service Department.

Councilmember Leeman reported that the issue of amendments needed to address the Delaney situation is already in the Committee process. He asked Mrs. Delaney to bear with the Committee and the Administration as they try to sort out the changes necessary to get this program operating smoothly. She will receive a phone call from the Public Service Director, Lenora Jadun, tomorrow to be brought up to date on their progress.

R. G. Curtis of 2417 W. Mt. Hope spoke in opposition to his Stormwater Enterprise Fund fees. There are no sewers on Aurelius Rd. at all. This is unjust taxation. He requested that Council reconsider this ordinance.

Alexander Bolt of 1230 Reo Rd. spoke in opposition to the Stormwater Enterprise Fund ordinance and read his letter that appears on tonight's agenda.

Helen Fiser of P.O. Box 20275 Cavanaugh spoke in opposition to the rain tax (Stormwater Enterprise Fund fees). Additionally, she protested the disparate treatment received by the public who appear to address Council on issues. Particularly, the manner in which the group from the Hispanic Community was allowed to address Council on an issue that is not on the agenda, and without a time limit of any kind attached to their speaking time. The process for appearing in front of Council is too confusing. No one knows what is going on, including Councilmembers.

Mike Panetta of 719 N. Magnolia urged Council to rethink their position on the rain tax (Stormwater Enterprise Fund fees). He stated that the reason the Attorney General would not render an opinion as to whether this was a tax or a fee is because He had already issued an opinion on the subject. Another City had requested an opinion as to whether their Ambulance Fee was a tax or a fee. The Attorney General opined that it was a tax and was an illegal violation of the Headley Amendment. Council is not above the law and must deal fairly with the people they serve.

Harold King of 1563 N. High said that his neighborhood association had requested 191 flats of flowers from the Mayor's Neighborhoods in Bloom program and got their request cut to 100 flats. This is a big disappointment to them and will serve to discourage their members from participating in other City sponsored programs.

Ronald Britain of P.O. Box 152, Eaton Rapids said that it is his belief that Councilmember Leeman illegally withheld information from his colleagues last week. This issue should be referred to a special Council Meeting that should be scheduled to review the postcards and letters in question.

Jennifer Scans of 4233 N. Grand River distributed copies of the Michigan Penal Code to Councilmembers. She thanked those Councilmembers who voted against the Civil Rights Ordinances last week and urged everyone who opposes these ordinances to join the effort to have them repealed. If you are interested in circulating petitions to collect signatures to repeal the ordinances, or merely in signing a petition to repeal the ordinances please visit the Law Offices at 300 N. Grand River, or the Manantha Baptist Church on Waverly Rd.

Tom Hernly of 3425 Palmer St. spoke in opposition to the Stormwater Enterprise Fund fees. He said that the figures distributed by the Public Services Committee last year do not add up. According to the figures 23-27%, or $40,000,000 dollars will go for the administration of the fund. This does not make sense. Why was there no financial impact study

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done to gage the effect of this ordinance on businesses within the City.

Gilbert Ibarra of 1510 Lindbergh said that he used to live at 1737 Fidelity. He protested his Stormwater Enterprise Fund fees at the Fidelity address. City Hall, he said, over does it on fees. There are fees for parking, fees for trash removal, Building Permit fees, sewer fees, and now a Rain Fee. He will receive no services for the fees he will be paying. He said that it is inexcusable that the Latin American Culture Club was raided in the manner in which it was and he criticized Councilmember Leeman for sitting on letters that he received addressed to Council.

Lloyd Teets of 116 E. Elm St. spoke in opposition to the Stormwater Enterprise Fund fees.

Tim Lewis of 500 S. Pine said that people should send mail that they want to be part of the public record to the City Clerk, not to Councilmembers. In this manner, their communications get placed on the City Council agenda and distributed to all Councilmembers. He said that he has heard a lot of complaints about the rain tax (Stormwater Enterprise Fund fees), but no one so far has come forward with ideas on how to fix it.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Equal Rights Task Force said that he believes that the City can and will see that justice is served and that the right thing is done. The Task Force is committed to working with anyone who wants to work with them, and to providing a celebration for the residents of Lansing to allow them to enjoy their lives.

Sam Eyde of 4660 S. Hagadorn said that his firm is in a position to close on the Priggooris Park Property.

Mary McKormick-Swift of 2125 Irene said that her rain tax (Stormwater Enterprise Fund fee) is $802 per year. Her property has a one acre pond on it. She has been a single mother for many years and earns only $7.42 per hour. Prior to her recent marriage, this fee would have driven her off of her property.

Ron Delgado of 125 Cox Blvd. protested the raid on the Latin American Culture Club.

Richard Fiser, no address given, spoke in opposition to the rain tax (Stormwater Enterprise Fund fees).

Ed Simmer of 2609 Dyer said that he is happy to see Lansing get a youth coordinator. He would also like to see rangers back in all of the City Parks and full programs for kids being operated once again.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Mike and Connie Delaney of 3721 Aurelius Rd. protesting their Stormwater Enterprise Fund Fee

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

B. Letter from Continental Cablevision regarding amendments to it's Social Contract

REFERRED TO THE CABLE AND TELECOMMUNICATIONS ADVISORY BOARD

C. Letter from the Tri-County Regional Planning Commission submitting a Resolution, Certificate of Adoption, and informational materials in support of the development of the I-73/I-74 Corridor and the addition of US-27 to the Federal Interstate Highway System

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

D. Notice from the State of Michigan Department of Environmental Quality of the extension of DEQ Permit No. 94-11-0176 to December 31, 1997

REFERRED TO THE MAYOR

E. A series of letters from E. Jean Patchett of 1119 Maryland Ave. regarding traffic concerns, parking concerns, and stolen bicycles

REFERRED TO THE MAYOR

F. Letter from UAW Local 2256 regarding the computerization of the City of Lansing Wastewater Treatment Plant

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

G. Letter from Ronald J. Brittain of P.O. Box 152, Eaton Rapids requesting that City Council call a special meeting to receive and review postcards mailed to Councilmember Leeman with regard to the two proposed Civil Rights Ordinances, and submitting a FOIA request for copies of the postcards

REFERRED TO THE CITY ATTORNEY

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H. Michigan Tax Tribunal Appeal filed by North Grand River Partners

REFERRED TO THE CITY ATTORNEY

I. Letter from Alexander Bolt of 1230 Reo Rd. requesting revision of the Stormwater Enterprise Fund Ordinance

REFERRED TO THE CITY ATTORNEY

J. Letter from Patrick M. Murray of 1720 Bradley submitting a "late appeal" of his Stormwater Enterprise Fund billing

REFERRED TO THE MAYOR AND THE PUBLIC SERVICES COMMITTEE

K. Letter from Dan Miller of 2031 Hamelon in support of the two proposed Civil Rights Ordinances

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister's Executive Assistant, David Wiener responded to complaints on the "Chavez Memorial Dinner", saying, that Council has set up a Community Use Account for the specific purpose of subsidizing room rental fees at the Lansing Center for Community Service Groups. That is exactly what was done in this instance. There is a written Lansing Center Community Use Policy, it was adopted by Council and is available to anyone who wants to review it. They hope, eventually, to include the Oldsmobile Park Baseball Stadium in this Community Use Policy.

Councilmember Allen asked Mr. Wiener about the status of a report that was requested by the Public Safety Committee at their February 16, 1996 meeting on Fire Utilization. This issue will be before the Council during Budget Meetings and she would like to have the report to review then.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letter from the City Attorney re: Kerith Michelle Lee v City of Lansing, et al

RECEIVED AND PLACED ON FILE

C. Letter of Resignation from Therese Clingman Porn of the Telecommunications Advisory Board

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Notice of the Accreditation of the Potter Park Zoo from the AZA Accreditation Commission

RECEIVED AND PLACED ON FILE

2/ Letter from Central Church of the Nazarene Regarding the Civil Rights Ordinances

RECEIVED AND PLACED ON FILE

3/ Letter of Congratulations from the National Arbor Day Foundation for the designation of a 1995 Tree City USA

RECEIVED AND PLACED ON FILE

4/ Transfer of Funds: Public Service Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Amendment to Chapter 1424 to adopt the 1996 version of the National Electrical Code

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

6/ Letter from Barbara A. Rossi regarding the Sale of the Board of Water & Light

RECEIVED AND PLACED ON FILE

7/ Grant Application; Site Assessment Action Auto Property 636 E. Michigan Ave.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

ROUTINE MATTERS FOR ACTION

RESOLUTION #121
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the South Lansing Business Association has named Paul Covert as their 1996 Business Person of the Year; and

WHEREAS, Paul Covert founded TFM Remanufactured office Furniture in Lansing on January 7, 1988, with partner Todd Thomann; and

WHEREAS, TFM currently employs 53 people, with projected 1996 sales of $8.5 million, making it Michigan's Second-Fastest Growing Privately Held Company, according to the Michigan Private 100', and 107th Fastest Growing Company on the national list published by Inc. magazine; and

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WHEREAS, IN 1995, PAUL COVERT WAS NAMED THE GREATER LANSING ENTREPRENEUR OF THE YEAR, MANUFACTURING, AS WELL AS THE STATE OF MICHIGAN ENTREPRENEUR OF THE YEAR, RETAILING, AND WAS NOMINATED FOR NATIONAL ENTREPRENEUR OF THE YEAR; AND

WHEREAS, PAUL HAS BEEN VERY ACTIVE IN MANY LOCAL BUSINESS AND CIVIC ORGANIZATION, INCLUDING THE CHIEF OKEMOS COUNCIL, BOY SCOUTS OF AMERICA, THE CHILDREN'S MIRACLE NETWORK/SPARROW FOUNDATION, AND THE R. E. OLDS TRANSPORTATION MUSEUM;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONGRATULATES PAUL COVERT ON THE SUCCESS OF HIS COMPANY AND ON BEING NAMED BUSINESS PERSON OF THE YEAR FOR 1996 BY THE SOUTH LANSING BUSINESS ASSOCIATION.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #122
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE SOUTH LANSING BUSINESS ASSOCIATION HAS NAMED JOSEPH POLACK AS THEIR COMMUNITY SERVICE PERSON OF THE YEAR FOR 1996; AND

WHEREAS, DURING HIS CAREER WITH THE POLACK CORPORATION, JOE HAS BEEN EXTRAORDINARILY ACTIVE IN THE COMMUNITY, SERVING TWICE AS PRESIDENT OF THE LANSING EXCHANGE CLUB, A MEMBER OF THE KNIGHTS OF COLUMBUS AND THE JUNIOR CHAMBER OF COMMERCE, A SALVATION ARMY BELL RINGER, A FIVE-YEAR VOLUNTEER FOR THE LPGA OLDSMOBILE CLASSIC GOLF TOURNAMENT, A VOLUNTEER IN THE MSU PRESS BOX, AND A MEMBER OF THE CHAMBER OF COMMERCE'S TRADE FAIR COMMITTEE; AND

WHEREAS, JOE'S LOVE OF MUSIC AND SINGING HAS LED HIM TO ACTIVELY PARTICIPATE IN HIS CHURCH CHOIR, EVER SINCE HE WAS SIX YEARS OLD;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONGRATULATES JOSEPH POLACK ON BEING NAMED COMMUNITY SERVICE PERSON OF THE YEAR FOR 1996 BY THE SOUTH LANSING BUSINESS ASSOCIATION.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #123

BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, CESAR E. CHAVEZ WAS BORN ON MARCH 31, 1927, IN ARIZONA, WAS MARRIED TO HELEN CHAVEZ FOR 45 YEARS, AND THEY RAISED A FAMILY OF EIGHT CHILDREN; AND

WHEREAS, CESAR CHAVEZ CO-FOUNDED AND WAS PRESIDENT OF THE UNITED FARM WORKERS OF AMERICA, AFL-CIO, AND HE DEMONSTRATED THAT THROUGH THIS ORGANIZATION, HE COULD CARRY ON HIS STRUGGLE FOR HUMAN RIGHTS, WORKERS' RIGHTS, AND JUSTICE FOR ALL PEOPLE, PARTICULARLY MIGRANT FARM WORKERS; AND

WHEREAS, CESAR CHAVEZ WAS AN EXTRAORDINARY AMERICAN HERO, WHO BELIEVED IN NON-VIOLENCE WHILE CAMPAIGNING FOR JUST TREATMENT OF WORKERS, AND HIS LEGACY IS THE REVIVAL OF THE AMERICAN WORKER'S SPIRIT AND THE COURAGE TO BELIEVE IN OURSELVES; AND

WHEREAS, PRESIDENT CLINTON AWARDED THE PRESIDENTIAL MEDAL OF FREEDOM TO CESAR CHAVEZ POSTHUMOUSLY IN 1994; AND

WHEREAS, THE CAPITAL CITY, WHICH WAS VISITED MANY TIMES BY CESAR CHAVEZ ON HIS SPEAKING TOURS ABOUT THE PLIGHT OF MIGRANT FARM WORKERS, WILL CELEBRATE HIS BIRTHDAY AT A COMMUNITY-WIDE BANQUET AT THE LANSING CENTER ON FRIDAY, MARCH 29, 1996;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY HONORS THE MEMORY OF CESAR CHAVEZ WHO, IN THE MOST NOBLE TRADITION OF THIS COUNTRY'S GREATEST HEROES, DEVOTED HIS LIFE TO MAKING A POSITIVE DIFFERENCE IN THE LIVES OF OTHERS, AND THROUGH THIS ENDEAVOR, HE HAS BEEN AN INSPIRATION TO ALL AMERICANS.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #124
BY COUNCILMEMBERS LILLY AND NOVAK
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, CARL GRAVINA WAS BORN MAY 15, 1915, IN SENECA FALLS, NEW YORK, AND MOVED TO LANSING IN 1922; AND

WHEREAS, WHILE SERVING IN THE U. S. ARMY DURING WORLD WAR II, HE MARRIED MILDRED, BEGAN A FAMILY THAT GREW TO A DAUGHTER AND TWO SONS, SUCCESSFULLY COMPLETED DETROIT BARBER COLLEGE, AND IN 1946 BEGAN HIS CAREER AS A BARBER AT 914

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West Saginaw Street; and

WHEREAS, for 50 years, Carl has cut hair of local politicians, priests who have served Holy Cross Church, employees and retirees from Oldsmobile and Fisher Body, professionals from St. Lawrence Hospital, and many neighborhood residents; and

WHEREAS, Carl has no intention of retiring as he approaches his 81st birthday, knowing there is hair to cut and stories to hear and tell;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby commends and congratulates Carl Gravina as he observes his 50th anniversary serving customers at his barber shop; and

BE IT FURTHER RESOLVED the Members of Council join Carl's family and friends from all walks of life in celebration of his remarkable career.

By Councilmember Lilly

Carried unanimously

RESOLUTION #125
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
SALE OF THE PRIGGOORIS PROPERTY,
BATH TOWNSHIP

WHEREAS, On November 4, 1986, the voters of the City of Lansing authorized the sale of the property commonly known as the Priggooris Property which is located in Bath Township; and

WHEREAS, the City has proceeded to offer the property for sale at the appraised value; and

WHEREAS, Louis J Eyde Limited Family Partnership and George F. Eyde Limited Family Partnership has offered to purchase the remaining 80 acres of the property for $410,000.00; and

WHEREAS, the Offer to Purchase and Contract of Sale was placed on file with the City Clerk 30 days prior to the February 5, 1996 public hearing held on the proposed sale, all in accordance with the requirements of the Lansing City Charter and the Lansing Code of Ordinances;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council does hereby approve the sale of the real property commonly known as the Priggooris Property located in Bath Township, legally described as:

The East ½ of the Southeast 1/4 of Section 20, T5N, R1W, Bath Township, Clinton County, Michigan, being some 80 Acres, more or less,

to the Louis J. Eyde Family Partnership and George F. Eyde Limited Family Partnership for $410,000.00 plus all closing costs, according to the terms and conditions contained in the Purchase Of f er and Contract of Sale placed on file in the of f ice of the City Clerk on December 18, 1995, and according to the agreement by the Purchasers to remove the zoning contingency contained in Section 21 of said Purchase offer and Contract of Sale, conditioned upon the City's agreement to close on the transaction not later than May 8, 1996, as contained in a letter addressed to the Chairman of the Committee on Development and Planing and dated March 12, 1996.

BE IT FURTHER RESOLVED, that all proceeds from the sale of the property, pursuant to resolution #0373 adopted by the Lansing City Council August 25, 1986, shall be placed in a restricted Park and Recreation Development account and used to develop a suitable project, once one is identified, to meet the intent of the Priggooris family in honor of Angel Priggooris.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the sale, including the Purchase offer and Contract of Sale, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

That the rules be suspended to allow for adoption of the resolution under suspension of the rules and that the resolution be amended to delete the entire BE IT FURTHER RESOLVED clause

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Leeman dissenting)

By Councilmember Lilly

That an affirmative roll be placed on the resolution as amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Leeman dissenting)

RESOLUTION #126
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the Lansing City Council adopted

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RESOLUTION NUMBER 466 ON JULY 17, 1995 SETTING FORTH PARKING POLICIES AND RATES TO SERVICE THE PARKING NEEDS OF BASEBALL GAMES AND SPECIAL EVENTS HELD IN THE LANSING BASEBALL STADIUM AS PROPOSED BY THE LANSING MUNICIPAL PARKING SYSTEM AND IN ACCORDANCE WITH THE LANSING BASEBALL STADIUM PARKING PLAN DATED JUNE 13, 1995;

WHEREAS, THE LANSING CITY COUNCIL REQUESTED THAT THE ADMINISTRATION REVIEW THE SPECIFIC ISSUE OF CITYWIDE EVENING/SATURDAY PARKING METER OPERATIONS CONTAINED IN ADOPTED POLICY;

WHEREAS, THE MAYOR'S PARKING AND DOWNTOWN DEVELOPMENT COMMITTEE, TRAFFIC BOARD, MALL ADVISORY BOARD AND ADMINISTRATION HAVE REVIEWED THIS ISSUE AND RECOMMENDED REVISIONS TO THE POLICY;

WHEREAS, THE PROPOSED RECOMMENDATIONS HAVE BEEN REVIEWED BY THE COMMITTEE ON WAYS AND MEANS;

NOW, THEREFORE BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY AMENDS RESOLUTION #466 ADOPTED ON JULY 17, 1995 AND ESTABLISHES THE FOLLOWING PARKING RATE POLICY:

> COMMENCING APRIL 1, 1996 THE HOURS OF OPERATION FOR METERED PARKING IN THE LANSING MUNICIPAL PARKING SYSTEM WILL BE FROM 8:00 A.M. UNTIL 8:00 P.M., MONDAY THROUGH SATURDAY, ON ALL STREETS, EXCLUDING CAPITOL AVENUE, IN THE ZONE BOUNDED BY -LENAWEE AND KALAMAZOO STREETS ON THE SOUTH, THE CONRAIL TRACKS ON THE EAST, SHIAWASSEE STREET ON THE NORTH AND CAPITOL AVENUE ON THE WEST.

BE IT FURTHER RESOLVED, THIS POLICY SHALL EXPIRE ON OCTOBER 1, 1996, THEREAFTER, THE HOURS OF PARKING METER OPERATION WILL RETURN TO 8:00 A.M. TO 6:00 P.M. MONDAY THROUGH FRIDAY;

BE IT FURTHER RESOLVED, THE IMPACTS OF THIS EVENING/SATURDAY PARKING METER OPERATION AND THE IMPACTS OF BASEBALL PARKING DEMAND WILL BE REVIEWED AT THE END OF THE SEASON. A REPORT, WITH FUTURE PARKING OPERATION POLICIES, WILL BE PREPARED BY THE ADMINISTRATION FOR REVIEW AND CONSIDERATION BY THE CITY COUNCIL PRIOR THE BEGINNING OF THE 1997 BASEBALL SEASON;

BE IT FURTHER RESOLVED, THE LANSING MUNICIPAL PARKING SYSTEM IS TO WORK WITH COOLEY LAW SCHOOL TO PROMOTE EXISTING DISCOUNT PARKING SERVICES INCLUDING THE VALUE-IN-PARKING (VIP), MERCHANT VALIDATION AND PARKING TOKEN PROGRAMS TO ASSIST STUDENTS IN MINIMIZING PARKING EXPENSES;

BE IT FINALLY RESOLVED, ALL OTHER PARKING RATES NOT CHANGED BY THIS RESOLUTION SHALL REMAIN IN EFFECT.

BY COUNCILMEMBER BEAL

THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADOPTION OF THIS RESOLUTION UNDER SUSPENSION OF THE RULES AND TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED IN THE COMMITTEE OF THE WHOLE SESSION (SEE "ITEMS FOR DISCUSSION BY THE COMMITTEE OF THE WHOLE")

BY COUNCILMEMBER NOVAK

CARRIED UNANIMOUSLY

RESOLUTION #127
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE COUNCIL VICE PRESIDENT HAS RECOMMENDED TO THE COMMITTEE OF THE WHOLE A DRAFT OF AMENDMENTS TO COUNCIL RULE #17 AND RULE #19, REGARDING PUBLIC COMMENT AT COUNCIL MEETINGS DESIGNATED FOR COMMITTEE OF THE WHOLE SESSIONS; AND

WHEREAS, THE COMMITTEE OF THE WHOLE HAS STUDIED THE DRAFT AND DETERMINED THAT THE AMENDMENT HAS MERIT;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY INTRODUCES THE ATTACHED AMENDMENTS TO RULE #17 AND RULE #19 OF THE CITY COUNCIL RULES FOR ACTION AT THE NEXT REGULAR MEETING.

REVISION TO COUNCIL RULE #17

RULE 17. ORDER OF BUSINESS. THE ORDER OF BUSINESS OF THE CITY COUNCIL SHALL BE ON A PRINTED AGENDA PREPARED BY THE CITY CLERK. THE ORDER OF BUSINESS FOR COUNCIL MEETINGS ON THE SECOND AND FOURTH MONDAYS SHALL BE AS FOLLOWS:

1. ROLL CALL
2. INVOCATION AND PLEDGE OF ALLEGIANCE
3. READING AND APPROVAL OF PRINTED COUNCIL PROCEEDINGS
4. MOTION TO SUSPEND RULE #11 FOR CONSIDERATION OF LATE ITEMS BY COMMITTEE OF THE WHOLE
5. SCHEDULED PUBLIC HEARINGS (IF NECESSARY)
6. PUBLIC COMMENT ON AGENDA ITEMS MATTERS LISTED ON THE AGENDA AS ROUTINE MATTERS FOR ACTION, ITEMS FOR DISCUSSION AS COMMITTEE OF THE WHOLE, AND/OR LATE ITEMS APPROVED FOR CONSIDERATION
7. RECEIPT OF COMMUNICATIONS AND PETITIONS FOR REFERRAL
8. MAYOR (OR EXECUTIVE ASSISTANT) REPORTS OR PROPOSALS
9. CITY OFFICER AND BOARD REPORTS FOR REFERRAL

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10. Routine matters for action
11. Items for discussion as Committee of the Whole
12. Tabled items, if necessary
13. Pending matters
14. Motions of excused absence
15. Citizen comments on city government-related matters (3 minute time limit)
16. Councilmember comments
17. Mayor (or Executive Assistant) response to citizens' or Councilmembers' questions 18. Adjournment

The order of business for Council meetings on the first and third Mondays shall be as follows:

1. Roll call
2. Invocation and Pledge of Allegiance
3. Reading and approval of printed Council Proceedings
4. Motion to suspend Rule 11 for consideration of late items
5. Special ceremonies, if any
6. Scheduled public hearings
7. Public comment on agenda items
8. Receipt of Communications and Petitions for information or referral
9. Mayor (or Executive Assistant) reports or proposals
10. City Officer and Board Reports for information, referral, or action
11. Receipt of Committee Reports
12. Consent Matters
13. Resolutions for action
14. Ordinances for introduction and setting of public hearing
15. Ordinances for passage
16. Consideration of late items, if any
17. Tabled items, if any
18. Motion of excused absence
19. Citizen comment on city government-related matters (3 minute limit per speaker)
20. Councilmember comments
21. Mayor (or Executive Assistant) response to citizens' or Councilmembers' questions
22. Adjournment

The order of business on the fifth Monday shall be as follows:

1. Roll Call
2. Invocations and Pledge of Allegiance
3. Reading and approval of printed Council Proceedings
4. Receipt of Communications and Petitions for referral
5. City Officer and Board Reports for referral
6. Public comment on routine matters (if listed on agenda)
7. Routine matters for action (if necessary)
8. Town Meeting Round Table Discussion
9. Motions of excused absence
10. Mayor (or Executive Assistant) reports or proposals
11. Citizen comments on city government-related matters (3 minute time limit)
12. Councilmember comments
13. Mayor's (or Executive Assistant's) response to citizens, or Councilmembers' questions
14. Adjournment

REVISION TO COUNCIL RULE #19:

Rule 19. Rules of Decorum for Meetings; Address by Persons. The presiding officer shall conduct Council meetings in an orderly manner. Members of Council and others in attendance shall obey directions of the presiding officer. Citizens attending Council meetings may have up to three opportunities to address Council. Speakers are requested to print their names and addresses on registration sheets to assist in the accuracy of the Council proceedings. Extensions of speaker time limits are permissible at the discretion of the Council. Opportunities to address Council are:

(1) Public hearings. Scheduled public hearings are held on specific legislative matters under consideration by Council. No time limit is imposed per speaker. The presiding officer my direct any speaker to conclude his or her remarks within one additional minute.

(2) Comment on agenda items. AT MEETINGS ON THE FIRST AND THIRD MONDAYS, Citizens may present facts and opinions on matters listed on the Council agenda AND ON LATE ITEMS APPROVED FOR CONSIDERATION. AT MEETINGS ON THE SECOND AND FOURTH MONDAYS, PUBLIC COMMENT SHALL BE ALLOWED ON ITEMS FOR DISCUSSION AS COMMITTEE OF THE WHOLE, ON ROUTINE MATTERS FOR ACTION, AND ON LATE ITEMS APPROVED FOR CONSIDERATION. AT MEETINGS ON THE FIFTH MONDAYS, PUBLIC COMMENT SHALL BE ALLOWED ON ROUTINE MATTERS FOR ACTION AND ON LATE ITEMS APPROVED FOR CONSIDERATION. Each speaker is limited to five minutes total. CITIZEN COMMENT DURING TOWN HALL ROUND TABLE DISCUSSIONS AT FIFTH MONDAY MEETINGS SHALL BE AT THE DIRECTION OF THE PRESIDING OFFICER.

(3) Comment on city matters. Citizens may speak on any city government-related matter. Each speaker is limited to three minutes total. The presiding officer may rule any speaker out of order for failing to speak on city government-related matters. Disruptive conduct shall not be permitted. Members of the audience may applaud the remarks of any speaker.

By Councilmember Beal

That the rules be suspended to allow for the

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ADOPTION OF THIS RESOLUTION UNDER SUSPENSION OF THE RULES AND THAT AN AFFIRMATIVE ROLL BE PLACED ON THE RESOLUTION INTRODUCING COUNCIL RULE REVISIONS AND THAT THE REVISIONS BE REFERRED TO THE COMMITTEE ON GENERAL SERVICES

CARRIED UNANIMOUSLY

ITEMS FOR DISCUSSION AS COMMITTEE OF THE WHOLE

BY COUNCILMEMBER BEAL

THAT THE COUNCIL DO NOW RESOLVE ITSELF INTO A COMMITTEE OF THE WHOLE TO CONSIDER

CARRIED UNANIMOUSLY

A. STANDING COMMITTEE REPORTS

COMMITTEE ON WAYS AND MEANS:

COUNCILMEMBER BEAL REPORTED ON THE ON-STREET METERED PARKING ISSUE FOR THE WAYS AND MEANS COMMITTEE. THIS IS NOT AN ATTEMPT TO GENERATE INCOME FOR THE CITY, IT IS A CONTROL ISSUE. IF THE CITY WISHES TO OFFER CHEAPER PARKING RATES IN THE RAMPS AND CITY CONTROLLED LOTS FOR BASEBALL GAMES, THEN WE HAVE TO MAKE SURE THAT THERE IS NOT A LOT OF FREE PARKING AVAILABLE ON DOWNTOWN STREETS. THE BOUNDARIES FOR THE PROPOSED DISTRICT ARE SHIAWASSEE ST., THE CONRAIL RAILROAD TRACKS BY PERE MARQUETTE, KALAMAZOO ST., AND LENAWEE ST., EXCLUDING CAPITOL AVE. THE COMMITTEE ALSO DISCUSSED ADDITIONAL FUNDING FOR THE CITY MARKET TO CONTINUE IT'S OPERATIONS THROUGH THE END OF THE FISCAL YEAR. LAST YEAR'S BUDGET APPROPRIATION WAS INADEQUATE TO SUPPORT THE MARKET FOR THE ENTIRE YEAR. ARNIE YERXA OF THE INTERNAL AUDIT OFFICE HAS BEEN ASSIGNED TO MONITOR THEIR FINANCIAL SITUATION ON A WEEKLY BASIS. THE COMMITTEE HAS NO IDEA, AT THIS TIME, HOW MUCH ADDITIONAL FUNDING THE MARKET WILL REQUIRE TO CARRY IT THROUGH JUNE 30, 1996.

BY COUNCILMEMBER NOVAK

THAT THE PROPOSED ON-STREET METERED PARKING POLICY BE AMENDED IN THE NOW THEREFORE BE IT RESOLVED CLAUSE TO STATE:

"NOW THEREFORE BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY AMENDS RESOLUTION #466 ADOPTED ON JULY 17, 1995, AND HEREBY ESTABLISHES THE FOLLOWING PARKING RATE POLICY:"

AND REPORT IT OUT FOR ADOPTION UNDER SUSPENSION OF THE RULES FOLLOWING THE CONCLUSION OF THE COMMITTEE OF THE WHOLE DISCUSSION

CARRIED UNANIMOUSLY

COMMITTEE ON DEVELOPMENT AND PLANNING:

COUNCILMEMBER LILLY REPORTED ON DISCUSSIONS CONCERNING THE SALE OF THE PRIGGOORIS PARK PROPERTY. COUNCIL NEEDS TO PASS THIS RESOLUTION. PARTICULARLY THE PORTION RELATIVE TO THE SALE OF THE PROPERTY TO THE EYDE'S. THE APPROPRIATION OF FUNDS CAN BE DEALT WITH LATER, IF THAT IS THE CONSENSUS OF THE COUNCIL. HE REQUESTED THAT INTERNAL AUDITOR KOESSEL EXPLAIN THE POLICY THAT THE APPROPRIATION OF THE FUNDS WOULD FOLLOW IN THAT CIRCUMSTANCE. MR. KOESSEL EXPLAINED THAT IF COUNCIL ADOPTS THE RESOLUTION WITHOUT THE LANGUAGE PROVIDING FOR APPROPRIATION OF THE FUNDS, THE PROCEEDS WOULD BE PLACED IN A PARKS AND RECREATION CAPITAL IMPROVEMENTS ACCOUNT, PENDING THE DECISION OF THE COUNCIL AS TO THEIR APPROPRIATION.

IN RESPONSE TO CONCERNS RAISED BY COUNCILMEMBER LEEMAN OVER THE LOSS OF GREENSPACE AND WHETHER THE LOSS OF THE GREENSPACE IS CONSISTENT WITH THE INTENT OF THE PRIGGOORIS FAMILY, COUNCILMEMBER LILLY REMINDED HIS COLLEAGUES THAT WHEN THE ORIGINAL 183 ACRE PARCEL OF THIS PROPERTY WAS SOLD IN 1993 TO THE WILDLIFE FOUNDATION, IT WAS TO PRESERVE THE INTENT OF THE PRIGGOORIS FAMILY TO PROVIDE A GREENSPACE IN THE AREA. FURTHER, BATH TOWNSHIP NEVER EXHIBITED ANY DESIRE TO PURCHASE THIS PROPERTY UNTIL JUST RECENTLY. YET, IT HAS BEEN UP FOR SALE FOR 10 YEARS.

BY COUNCILMEMBER ALLEN

THAT THE RESOLUTION FOR THE SALE OF PRIGGOORIS PARK PROPERTY, WITH LANGUAGE CONSISTENT WITH THE LANGUAGE IN RESOLUTION #501, ADOPTED ON AUGUST 30, 1993 WITH REGARD TO THE APPROPRIATION OF FUNDS, BE PLACED ON THE AGENDA FOR ADOPTION DURING SUSPENSION OF THE RULES

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1, (COUNCILMEMBER LEEMAN DISSENTING)

COMMITTEE ON INTERGOVERNMENTAL RELATIONS:

COUNCILMEMBER BAUER REPORTED THAT THE IGR COMMITTEE MET LAST THURSDAY WITH MEMBERS OF THE LANSING PUBLIC LIBRARY SYSTEM, DEWITT TOWNSHIP BOARD, AND EAST LANSING PUBLIC LIBRARY STAFFMEMBERS REGARDING THE REGIONAL LIBRARY ISSUE. THEY WILL MEET AGAIN ON APRIL 11. THEY ARE MEETING WITH THE SCHOOL DISTRICT TOMORROW NIGHT AT 4:00 P.M. AT EASTERN HIGH SCHOOL TO DISCUSS ISSUES OF MUTUAL CONCERN.

COMMITTEE ON PUBLIC SAFETY:

COUNCILMEMBER ALLEN REPORTED THAT THE PUBLIC

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Safety Committee took up the issue of the Bicycle and Moped Helmet Ordinance at their last meeting. They will be introducing this Ordinance and Scheduling a Public Hearing at the April 1, 1996 Council meeting. They will ask to schedule a hearing set for April 22.

Committee on Public Services:

Councilmember Leeman reported that at their meeting last Wednesday, the Committee took up the concept of locating the South Side Community Center in Washington Park. They will have a Committee Report scheduled for next Monday's agenda approving this concept and asking the Mayor to identify funding options. Additionally, they discussed the Stormwater Enterprise Fund fees and heard a report from Public Services Director Lenora Jadun. They expect to set a Public Hearing next Monday to consider an amendment to the Ordinance and extension of the appeal process. They are working through several recommendations by the Administration. This is a time consuming process, and Council must be patient and give the Committee time to do it's job.

B. Opening Day Events at the Home of the Lansing Lugnuts, Oldsmobile Park Baseball Stadium

Councilmember Lilly announced that tours of the Lugnuts facility at Oldsmobile Park will begin this Wednesday at 1:00 P.M. All Councilmembers are invited to participate. This coming Sunday, the City will host a 'Hard Hat Party' to thank the hundreds of construction Workers who built the Stadium within the one year time frame. This party will begin at 5:00 P.M. and run to 7:00 P.M. A "Chain Cutting Ceremony" will be held Wednesday April 3, 1996, at the City Market between 11:00 A.M. AND 1:30 P.M. Michigan State University will hold their Opening Ceremony for the Michigan/Michigan State game. At the same time, in the Lansing Center and the game will take place at 4:00 P.M. Invitations have been sent out by Joe Maguire for the dedication of the Statue in front of the Stadium. This will be a very special program detailing the evolution of this project from day 1. The Promotion Ticket Policy has been signed and sent to the Authority. Councilmembers must let them know how many tickets they need for opening day.

Council President Jones thanked Councilmember Lilly for staying involved in this project and informing Council of it's progress along the way.

C. Regarding the process for processing communications to City Councilmembers

At the request of Council President Jones, City Attorney Smiertka addressed this issue. Mr. Smiertka reported that, according to the City Charter, the City Clerk serves as the Clerk of the Council and is designated as the Custodian of City documents, whose custody is not otherwise provided for. Therefore any communications that come to this body should be given to the Clerk. Council must decide the process for handling communications that are received by their staff, rather than by the City Clerk. Documents that are sent to Councilmembers as part of a public body should be turned over to the City Clerk.

Councilmember Leeman requested a written policy for how staff should deal with these types of communications. He requested that the City Attorney draft a policy of that type.

Councilmember Beal said that as the Vice-President, Council Staff is under her supervision and they have already begun compiling a set of written policies, as different issues come to light for which there is not a written policy.

Council President Jones asked the City Attorney to prepare and distribute a simple statement of policy for this type of circumstance.

D. Review of the list of items for the April 1, 1996 Consent Agenda

There were no objections to the Consent Agenda list.

E. By Councilmember Beal

That a proposed Revision to City Council Rule #17 and Rule #19 be introduced for discussion at this time, with the intent of reporting it out for adoption of the resolution introducing the rule change and referral to the General Services Committee following the Committee of the Whole discussion.

Carried unanimously

Councilmember Lilly expressed his opinion that Committee of the Whole sessions should be dedicated to the issues that are scheduled on the COW agenda.

Councilmember Allen agreed with the statements made by Councilmember Lilly and said that the new process makes very good sense, and hopefully, will allow them to gain back some members of the viewing audience that they have lost because of the length of the meetings.

By Councilmember Beal

That the Committee of the Whole Do Now Rise

Carried unanimously

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PENDING MATTERS

A. EITP - FIVE YEAR COMPUTER PLAN

B. LAND PROCEEDS/BOARD OF WATER & LIGHT

C. AMENDMENT TO CHAPTER 290, CONFLICTS OF INTEREST (ETHICS ORDINANCE)

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER ALLEN; A LETTER OF COMPLAINT FROM LINDA WHITING OF P.O. BOX 532, PRUDENVILLE, MI 48651 REGARDING AN ABUSIVE INCIDENT WITH A PARKING SYSTEM EMPLOYEE

REFERRED TO THE MAYOR

2. FROM COUNCILMEMBER ALLEN; A LETTER FROM CHARLES PROPER OF 111 E. CAVANAUGH RD. SUBMITTING AN APPEAL OF HIS STORMWATER ENTERPRISE FUND FEE

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3. FROM COUNCILMEMBER ALLEN; A LETTER FROM CITIZENS FOR A BETTER LANSING IN SUPPORT OF THE CONCEPT OF A SOUTH SIDE COMMUNITY CENTER AT WASHINGTON PARK

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4. FROM COUNCILMEMBER LILLY; AN APPLICATION TO TRANSFER OWNERSHIP OF A 1994 CLASS C LIQUOR LICENSE FROM J.B.'S SALOON (MARDEN CORPORATION) TO VOLUME SERVICES, INC. IM STADIUM, INC. (OLDSMOBILE PARK/LANSING LUGNUTS BASEBALL STADIUM)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

5. FROM COUNCILMEMBER LILLY; A RESOLUTION OF TRIBUTE TO CARL GRAVINA IN OBSERVANCE OF THE 50TH ANNIVERSARY OF HIS BARBER SHOP IN LANSING

HANDLED AS RESOLUTION #124

6. FROM COUNCILMEMBER BENAVIDES; A RESOLUTION OF TRIBUTE TO THE LATE CESAR CHAVEZ

HANDLED AS RESOLUTION #123

7. FROM COUNCILMEMBER BENAVIDES; A REQUEST THAT A DELEGATION FROM THE HISPANIC COMMUNITY BE ALLOWED TO ADDRESS COUNCIL FOLLOWING THE PUBLIC HEARINGS

THE RULES WERE SUSPENDED AND A DELEGATION FROM THE HISPANIC COMMUNITY ADDRESSED COUNCIL FOLLOWING THE PUBLIC HEARING PORTION OF THE AGENDA

8. FROM COUNCILMEMBER BEAL; A RESOLUTION RE-DEFINING THE DOWNTOWN PARKING DISTRICT

HANDLED AS RESOLUTION #126

9. FROM COUNCILMEMBER NOVAK; A RESOLUTION ALLOCATING FUNDS FOR THE LANSING HOUSING FAIR TO BE HELD AT THE LANSING CENTER ON APRIL 27, 1996

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

10. FROM COUNCILMEMBER LILLY; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR RECONSIDERATION OF THE VOTE ON THE SALE OF PRIGGOORIS PARK PROPERTY THAT WAS TAKEN AT LAST WEEK'S MEETING, AND IF THE MOTION TO RECONSIDER IS SUCCESSFUL, THAT THE ISSUE BE DISCUSSED UNDER THE COMMITTEE OF THE WHOLE PORTION OF TONIGHT'S MEETING. COUNCILMEMBER LILLY'S MOTION TO RECONSIDER WAS ADOPTED BY A 7/1 VOTE (COUNCILMEMBER BEAL ABSENT FOR THIS VOTE AND COUNTED AS A NAY)

THE RESOLUTION FOR THE SALE OF PRIGGOORIS PARK WAS ADOPTED UNDER SUSPENSION OF THE RULES AND WAS HANDLED AS RESOLUTION #125

PUBLIC COMMENTS

DAVID REID, A FORMER POLICE OFFICER, NOW HOMELESS IN LANSING COMPLAINED ABOUT LANSING AREA HOMELESS SHELTERS. PARTICULARLY, THE LANSING RESCUE MISSION.

LLOYD TEETS OF 116 E. ELM ST. REPORTED THAT HE PETITIONED JUDGE FILICE A FEW WEEKS AGO TO HAVE HIS PROBATIONARY PERIOD SUSPENDED. THE JUDGE HAD THEORIZED THAT MR. TEETS WANTED HIS PROBATION SUSPENDED BECAUSE HE WAS AFRAID THAT HE COULD NOT REMAIN IN COMPLIANCE WITH ALL STATE AND CITY LAWS FOR A TWO YEAR PERIOD. IN REALITY, THE REASON MR. TEETS PETITIONED TO HAVE HIS PROBATION SUSPENDED IS BECAUSE HE DID NOT BELIEVE THAT CITY COUNCIL COULD MAINTAIN COUNCIL RULE #19 INTACT FOR THAT TWO YEAR PERIOD. HE STATED THAT HE WILL ATTEND THE GENERAL SERVICES MEETINGS TO PROTEST THE REVISION OF THESE RULES. HE WILL CONTINUE TO DEFEND THE CITY CHARTER.

MARGE OJIBWAY OF 310 SEYMOUR PROTESTED THE PASSAGE OF THE TWO CIVIL RIGHTS ORDINANCES AT LAST WEEK'S CITY COUNCIL MEETING. SHE STATED THAT CITY COUNCIL NEEDS A NEW U.S. FLAG. THE ONE THAT THEY HAVE SYMBOLIZES THE WAR ERA.

TIM LEWIS 500 S. PINE SAID THAT IT IS A WELL KNOWN FACT THAT, IF YOU WANT YOUR COMMUNICATIONS TO CITY COUNCIL TO BE PLACED ON THE CITY COUNCIL AGENDA, YOU SHOULD MAIL IT TO THE CITY CLERK'S OFFICE. IN THIS MANNER, IT BECOMES A PART OF THE PUBLIC RECORD FOR EVERYONE TO SEE. HE AGREED THAT THE CITY COUNCIL MEETINGS HAVE BEEN RUNNING LONGER

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lately, however, Council should not start playing the ratings game.

Bernie Meissner of 635 LaSalle Blvd. reported that the Majority Opposed to Special Treatment (MOST) held their first open meeting tonight at the Foster Community Center. They were very well attended, in fact they were packed. They have petitions ready to go to put the Civil Rights question to a vote of the people. Anyone interested in signing the petitions or, in circulating them please call 887-SAVE or stop in at the Marantha Baptist Church at 2300 N. Waverly Rd., or at the Law Office at 300 N. Grand River Ave. They have established principals of participation that they expect all of their participants to abide by. These principals call for peaceful and orderly conduct. They ask that the homosexual community refrain from trying to disrupt their meetings.

COUNCILMEMBERS COMMENTS

Councilmember Bauer reported attending the celebration held by the Women's Board of Managers at Sparrow Hospital for their 100th anniversary, as well as the South Lansing Business Association celebration.

Councilmember Beal urged everyone to attend the City Market Pancake Breakfast to be held this coming weekend at the City Market between 8:00 A.M. and 12:00 P.M. This is particularly handy for Councilmembers, who can stop in for a bite to eat before heading to the Council Retreat scheduled to begin at 10:00 A.M. in the Council Conference Room to take up the Budget Priorities discussion.

Councilmember Leeman announced the Eastside Neighborhood Spring Social at Resurrection Church Gym. this Saturday.

Councilmember Allen announced the South Lansing business Association Dinner on Wednesday, March 27, 1996, where they will honor Messrs. Polack and Covert who received resolutions of tribute from City Council tonight. She announced a vacancy on the Ethics Board for the Second Ward representative. Interested parties may contact her at 483-4177. •

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener objected to the comments made by Mr. Reid. The Mayor's Office has assisted him in securing housing over the last two or three months. They have made the arrangements for housing for him. They arranged with the VOA for him to be allowed to receive services there after he was barred. He cannot stay there any longer because he has already stayed there the maximum amount of time allowed without getting a job. Their Office has talked to the Lansing Rescue Mission about taking him in, but he has refused to accept their services. These are choices he has made of his own free will and the Mayor's Office cannot and will not accept responsibility for them.

He said that the cost of the CSO project is $867 per mile for a sewer separation project that consists of 203 miles of sewer. The Committee can speak to the issue of how much is needed annually and how much is needed over the life of the project. There are a number of methodologies that could be used for funding the sewer separation. The cost could be added to the sewer rates, the City could pursue a millage, or, Special Assessments could be issued to property owners. The decision to form the Utility was made because the cost of the project could then be spread out to all of the users, including Non-profit, State and religious organizations who make up 25% of the population, who would otherwise be exempt. and whose portions would have to be paid for by the rest of the population. This is a question of paying for City services.

ADJOURNED 11:00 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS APRIL 1, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

Motion by Councilmember Novak:

To approve the printed Council Proceedings of March 25, 1996.

Carried Unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1/ From Councilmember Allen; A letter from William Maul of 916 Riley Street regarding city garbage bags

2/ From Councilmember Allen; A letter from Michelle and Gerry Vander Velde of 4726 Omar Drive regarding their shifts on the Fire Department

3/ From Councilmember Allen; A resolution of tribute to Ron Borseth

4/ From Councilmember Benavides; That the Resolution for approval of the liquor license transfer for Take Me Out to the Ballgame be acted upon before the first Public Comments section of the Agenda

5/ From Councilmember Benavides; A resolution approving a fireworks display permit to the Lansing Lugnuts

6/ From Councilmember Benavides; A petition filed by Cathleen Garza of 3326 Viola Street requesting stop signs on Viola and Wexford Streets and Viola and Catalpa Drive

7/ From Councilmember Beal; That the Mayor be allowed to make a presentation under special ceremonies

8/ From Councilmember Leeman; A resolution regarding the South Side Community Center

9/ From Councilmember Leeman; A resolution regarding a grant for streetscaping improvements

10/ From Councilmember Leeman; Introduction of an ordinance to add a new Chapter 1050 for the hearing of appeals from charges of fees, without first requiring prepayment of same and the setting of a public hearing for May 13, 1996

11/ From Councilmember Leeman; Thirty four postcards received regarding the Civil Rights Ordinances adopted on March 18, 1996

Carried unanimously

SPECIAL CEREMONIES

Mayor Hollister presented a limited edition replica of *The Natural* statue to Councilmember Lilly and other Lugnuts memorabilia to Councilmembers.

PUBLIC HEARINGS

There were no scheduled public hearings

PUBLIC COMMENT

The following individuals asked that Council do what they can to keep the funding of the main Street Child Care Center in the Lansing School District budget:

-Steve DeBraybander of 6127 Farrington Ct., East Lansing
-Jeff Fuhrman of 119 E. Syringa
-Mike Silkworth of 2319 E. Jolly Rd. #21

The following individuals stated that they felt they were discriminated against and their rights were violated by Lansing Police Department officers in the recent raid on the Latin American Cultural Center:

-Rudy Castilla, Jr. of 1417 Lyons
-Alyssa Scheidt of 137 Allen St.
-Jacqulyn Gerhold of 1426 Treadwell #203
-Maria Zavala of 1024 Porter
-Victoria Castilla of 1417 Lyons
Jose DeHuellves of 813 Vincent Court
-Juan Morejan of 831 Vincent Court
-Ed Garza of 900 Long Blvd.
-Anthony Percival of 300 Western Ave.

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-Donna Chattulani of 1720 Chief Okemos Circle # 8
-Rainer Delgado of 125 Cox Blvd.

The following individuals asked Council to give consideration to the proposal offered by the Boys and Girls Club when they are looking at a Southsdide Community Center:

-Chuck Featherly of 501 Red Cedar Blvd., Williamston (A Boys & Girls Club Board member)
-John Logan of 4200 Meridian Road, Okemos (Chair of the Boys & Girls Club Board)
-Eva Evans of 434 S. Verlinden

Alexander Bolt of 1230 Reo Road quoted an article in a Detroit newspaper about a tax imposed on residents that was overturned.

Lloyd Teets of 116 E. Elm said that if the Boys and Girls Club was so interested in participating, they should have attended the many meetings of the South Side Community Center Ad Hoc Committee that have been held over the last 18 months.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Ernesto Mireles of 1097 Meadowlawn regarding the raid conducted by Lansing Police Officers at the Latin American Cultural Center on March 25, 1996

REFERRED TO THE MAYOR

B. Letter from Gladys Gilson of 223 W. Barnes regarding the request of the Moores Park Neighborhood Association (formerly known as the South Central Neighborhood Organization) for a South Side Community Center

REFERRED TO THE COMMITTEE OF THE WHOLE

C. Letter from Lester Hall, no address given, regarding promotion within Public Service - O & M

REFERRED TO THE MAYOR

D. Letter from the Michigan Women's Foundation regarding parking problems on Michigan Ave., and Pere Marquette, and objecting to the opening of another Restaurant (Dueling Pianos) without resolution of the Parking Issue

REFERRED TO THE MAYOR

E. Letter from Kenneth E. Riebow of 2018 Pleasant View Ave. requesting recalculation of his Stormwater Enterprise Fund Fee and a Refund

REFERRED TO THE MAYOR

F. Letter from the Main St. Child Care Center requesting that they be allowed to present materials to City Council regarding their budget and funding needs

REFERRED TO THE MAYOR, COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

G. Letter from Merle Anderson of 119 Denver protesting the passage of the Civil Rights Amendments

RECEIVED AND PLACED ON FILE

H. Letter from Old Kent Bank in support of a Community Center in cooperation with the Boys and Girls Club of Lansing

REFERRED TO THE COMMITTEE OF THE WHOLE

I. 826 Letters and cards in opposition to the Civil Rights Amendments adopted on March 18, 1996

RECEIVED AND PLACED ON FILE

EXECUTIVE ASST. TO MAYOR COMMENTS

David Wiener responded to a question from Councilmember Beal who asked for an update on the MUCC building. He stated that the management of MUCC is currently reviewing options and does not know at this time what will happen at this site.

Mr. Wiener also responded to a question from Councilmember Leeman. Councilmember Leeman asked the administration to consider increasing the hours of operation at the City Market so that vendors can remain open when there are games at Olds Park.

Mr. Wiener also explained options that may abe pursued by the administration to look into the raid at the Latin American Cultural Center.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk notifying Councilmembers of the receipt of minutes

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FROM CITY BOARD AND AUTHORITIES

RECEIVED AND PLACED ON FILE

B. LETTERS FROM THE MAYOR RE:

1/ LETTER FROM THE U.A.W. CAPITOL AREA C.A.P. COUNCIL OPPOSING ANY POTENTIAL SALE OF THE BOARD OF WATER & LIGHT

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ PRINCIPAL SHOPPING DISTRICT ORDINANCES

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3/ PARKING REGULATION CHANGE REQUEST; MICHIGAN AVE.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4/ TRANSFER OF FUNDS: PAL, POLICE DEPARTMENT

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #0128

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, TO WHOM WAS REFERRED REZONING PETITION Z-17-95, 318 AND 320 BEAVER STREET AND 1425 CENTER STREET, FROM "H" LIGHT INDUSTRIAL DISTRICT TO "C" RESIDENTIAL DISTRICT,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS COUNCIL APPROVAL OF THE Z-17-95 ORDINANCE AS INTRODUCED, WHICH WOULD GRANT THE REZONING PETITION AS FILED. THIS REPORT IS FOR INFORMATION ONLY.

SIGNED: RICHARD J. LILLY, CHAIR
SANDY ALLEN
PAUL NOVAK

BY COUNCILMEMBER LILLY:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #0129

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, TO WHOM WAS REFERRED REZONING PETITION Z-19-95, 601 EAST MICHIGAN AVENUE, FROM "H" LIGHT INDUSTRIAL DISTRICT TO "G-1" BUSINESS DISTRICT, FILED BY QUEST 5, LTD.,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS COUNCIL APPROVAL OF THE Z-19-95 ORDINANCE AS INTRODUCED, WHICH WOULD GRANT THE REZONING PETITION AS FILED. THIS REPORT IS FOR INFORMATION ONLY.

SIGNED: RICHARD J. LILLY, CHAIR
SANDY ALLEN
PAUL NOVAK

BY COUNCILMEMBER LILLY:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #0130

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, TO WHOM WAS REFERRED REZONING PETITION Z-21-95, 2817 EAST MT. HOPE AVENUE, FROM "A" RESIDENTIAL DISTRICT TO "D-1" PROFESSIONAL OFFICE DISTRICT, FILED BY RICHARD W. JOHNSON,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS COUNCIL APPROVAL OF THE Z-21-95 ORDINANCE AS INTRODUCED, WHICH WOULD GRANT THE REZONING PETITION AS FILED. THIS REPORT IS FOR INFORMATION ONLY.

SIGNED: RICHARD J. LILLY, CHAIR
SANDY ALLEN
PAUL NOVAK

BY COUNCILMEMBER LILLY:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #1031

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, TO WHOM WAS REFERRED REZONING PETITION Z-22-95, 910 JEROME STREET, FROM "DM-3" RESIDENTIAL DISTRICT TO "D-1" PROFESSIONAL OFFICE DISTRICT, FILED BY WILLIAM G. VINCENT ON BEHALF OF SPARROW HOSPITAL,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS COUNCIL APPROVAL OF THE Z-22-95 ORDINANCE AS INTRODUCED, WHICH WOULD GRANT THE REZONING PETITION AS FILED. THIS REPORT IS FOR INFORMATION ONLY.

SIGNED: RICHARD J. LILLY, CHAIR
SANDY ALLEN
PAUL NOVAK

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BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

CONSENT MATTERS

RESOLUTION #0132
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred requests for traffic control at the intersection of Moores River Drive and Todd Avenue, and at the intersection of Berry Avenue and Tenny Street,

REPORTS AS FOLLOWS: The Committee has held these two matters as pending items for an extended period. Both requests were attempts to control speeds. In each case, the Transportation Division staff, Traffic Board, and the mayor have recommended that the requested traffic control be denied. The Police]Department was requested to monitor speeds on the streets and enforce the limit on a continuing basis. Since no further complaints have come from the subject neighborhoods, the Committee has placed the requests and recommendations on file without action.

Signed: Sandy Allen
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent and unexcused for this vote)

RESOLUTIONS

RESOLUTION #0133
BY COUNCILMEMBER JONES

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday April 15, 1996 at 7 p.m. to obtain public comment on the City's Proposed Annual Consolidated Strategy and Plan Submission, including the budget for Community Development Resources, for Fiscal Year 1996-97.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent and unexcused for this vote)

RESOLUTION #0134
BY COUNCILMEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Manager of Code Compliance has requested setting of public hearings on proposed orders to demolish or otherwise make safe dilapidated structures at several addresses; and

WHEREAS, the Chairperson of the Committee on Public Safety has reviewed the request and concurs that public hearings should be set;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that public hearings be scheduled and announced for 7 PM on Monday, April 15, 1996, in the Council Chambers on the 10th floor of Lansing City Hall, for the purpose of receiving public comment on proposed orders to demolish or otherwise make safe dilapidated and dangerous structures located at:

226 South Hosmer, parcel no. 3301-15-302-191-3, W ½ of S 3/8 Lot 10 & N 20.25 Ft of E ½ Lot 11 Block 6 Green Oak Add

230 South Hosmer, parcel no. 3301-15-302-181-4, E ½ of S 45.75 Ft Lot 11 Block 6 Green Oak Add

522 West Oakland, parcel no. 3301-09-353-101-5, E 25 Ft of W 90 Ft Lot 7 Block D Sub of Blocks 26 & 27 Orig Plat

131 Isbell, parcel no. 3301-21-453-046, S 75 Ft Lot 10 Orchard Home Add

1209 West Ottawa (garage only), parcel no. 3301-17-260-331-4, E 3 R Lot 7 Block 3 French S Sub

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1(Councilmember Lilly absent and unexcused for this vote)

RESOLUTION #1035
BY COUNCILMEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

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WHEREAS, the Manager of Code Compliance has requested setting of public hearings on proposed orders to demolish or otherwise make safe dilapidated structures at several addresses; and

WHEREAS, the Chairperson of the Committee on Public Safety has reviewed the request and concurs that public hearings should be set;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that public hearings be scheduled and announced for 7 PM on Monday, April 22, 1996, in the Council Chambers on the 10th floor of Lansing City Hall, for the purpose of receiving public comment on proposed orders to demolish or otherwise make safe dilapidated and dangerous structures located at:

322 Bingham, parcel no. 3301-15-332-141-7, N 3 ½ R of E 6 R Lot 9 Block 14 Green Oak Add

615 Manchester, parcel no. 3301-09-481-061-8, Lot 9 Block 3 Assessor S Plat No 32 Rec L 11 P 13

1105 East Oakland, parcel no. 3301-10-330-141-0, Lot 2 Block 2 Orchard Grove

1031 Clear, parcel no. 3301-21-254-050-8, Lot 22 'Clear S Sub of Block 204

422 South Butler, parcel no. 3301-17-476-221-5, S 22 Ft Lot 20 & N 12 Ft Lot 21 Block 9 Bush, Butler & Sparrow S Add

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent and unexcused for this vote)

RESOLUTION #0136
BY COUNCILMEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Manager of Code Compliance has requested setting of public hearings on proposed orders to demolish or otherwise make safe dilapidated structures at several addresses; and

WHEREAS, the Chairperson of the Committee on Public Safety has reviewed the request and concurs that public hearings should be set;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby directs that public hearings be scheduled and announced for 7 PM on Monday, May 6, 1996, in the Council Chambers on the 10th floor of Lansing City Hall, for the purpose of receiving public comment on proposed orders to demolish or otherwise make safe dilapidated and dangerous structures located at:

1229 Shepard, parcel no. 3301-22-282-081-2, Lot 213 City Park Add

326 West Willow, parcel no. 3301-09-180-131-0, E 52 Ft Lot of S 66 Ft Lot 1 Sub of Lot 3 & Part of Lot 4 Block 25

622 Lathrop, parcel no. 3301-15-454-101-8, Lot 83 Breiten Park Sub Rec L 5 P 48

723 East Park Terrace, parcel no. 3301-10-353-191-4, Lot 20 Young, Stabler and Young S East Park Add

733 Wisconsin, parcel no. 3301-08-483-161-0, Lot 147 Englewood Park Add

1100 Bement, parcel no. 3301-15-380-261-5, Lot 9 Block 9 Lansing Improvement Company S Add

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent and unexcused for this vote)

RESOLUTION #0137
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-24-95, 1100 Block of Kingsley Court
Sale of city-owned parcel 3301-17-404-212

WHEREAS, Clarence Knox, 2801 Canarsie Drive, Lansing, MI. has requested that the City sell him .24 acre of parcel (3301-17-404212), between 1130 and 1114 Kingsley Court to expand his property at 1114 Kingsley Ct., and

WHEREAS, the Planning Board conducted an ACT 285 Review (ACT-2495) for character, location and extent of the subject parcel, and found that the requested sale would have no adverse effect on the public interest, and that the property was not needed to provide access for development of other property, and

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WHEREAS, ON JANUARY 23, 1996, THE PLANNING BOARD RECOMMENDED APPROVAL OF THE REQUEST TO MAKE THE PROPERTY AVAILABLE FOR SALE AT FAIR MARKET VALUE, AND

WHEREAS, THE COMMITTEE ON PLANNING AND DEVELOPMENT HAS REVIEWED THE REPORT AND RECOMMENDATION OF THE PLANNING BOARD AND CONCURS TO DISPOSE OF THE PROPERTY, BUT AT NOMINAL PRICE OF ONE DOLLAR ($1.00 PER FRONT FOOT) ACCORDING TO THE POLICY FOR DISPOSING OF VACANT RESIDENTIAL PROPERTY ACQUIRED THROUGH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROPOSAL,

NOW THEREFORE BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY APPROVES THE SALE OF THE PARCEL OF PROPERTY LEGALLY DESCRIBED AS:

LOTS 2, 3, 4, 5 AND THE EAST 4 FEET OF LOT 6, KINGSLEY'S ADDITION, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, AS RECORDED IN LIBER 4 OF PLATS, PAGE 14, INGHAM COUNTY RECORDS.

TO CLARENCE KNOX, OR HIS DESIGNEE FOR THE SUM OF $158.00 PLUS ALL CLOSING COSTS.

BE IT FINALLY RESOLVED, THE MAYOR, ON BEHALF OF THE CITY, IS AUTHORIZED TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE THIS TRANSACTION, SUBJECT TO THE PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY.

BY COUNCILMEMBER LILLY

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER BAUER ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTION #0138
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-25-95, BAKER STREET AT CONRAIL ROW, PPN (3301-21-402-261)

WHEREAS, WILLIAM TOMLINSON, 515 N. PUTNUM #B, WILLIAMSTON, MI HAS REQUESTED THAT THE CITY SELL HIM THE NORTHWEST CORNER (.55 ACRES) OF PARCEL (PPN 3301-21-402-261), LOCATED ON THE SOUTH SIDE OF BAKER STREET, AND PART OF THE NELLERS COURT PARCEL WHICH CONTAINS APPROXIMATELY 2.78 ACRES OF LAND AND IS SURROUNDED BY INDUSTRIAL USE, FOR THE DEVELOPMENT OF A WAREHOUSE FACILITY, AND

WHEREAS, PLANNING OFFICE STAFF RECOMMENDED THAT THE PARCEL REMAIN AND BE SOLD AS ONE PIECE TO PROMOTE ORDERLY DEVELOPMENT IN THE AREA, AND

WHEREAS, THE PLANNING BOARD CONDUCTED AN ACT 285 REVIEW (ACT-2595) FOR CHARACTER, LOCATION AND EXTENT OF THE SUBJECT PARCEL, AND FOUND THAT THE SALE OF THE ENTIRE PARCEL WOULD HAVE NO ADVERSE EFFECT ON THE PUBLIC INTEREST AND THAT THE PROPERTY WAS NOT NEEDED TO PROVIDE ACCESS FOR DEVELOPMENT OF OTHER PROPERTY, AND

WHEREAS, ON FEBRUARY 20, 1996, THE PLANNING BOARD RECOMMENDS APPROVAL OF THE REQUEST TO MAKE THE PROPERTY AVAILABLE FOR SALE AT FAIR MARKET VALUE; AND

WHEREAS, THE COMMITTEE ON PLANNING AND DEVELOPMENT HAS REVIEWED THE REPORT AND RECOMMENDATION OF THE PLANNING BOARD AND CONCURS THEREWITH,

NOW THEREFORE BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY APPROVES THE MARKETING FOR SALE OF THE PARCEL OF PROPERTY LEGALLY DESCRIBED AS:

LOTS 1 THRU 30 INCL, ALSO ALL VAC NELLERS CT, ALSO PART SW 1/4 OF SEC 21 T4N R2W COM NW COR LOT 1 ROSE ADD, TH W CON RAIL R/W, S 165 FT, E TO W LINE LOT 29 SAID SUB, N TO BEG; ROSE ADD, LANSING, MI

FOR ITS FAIR MARKET VALUE.

BY COUNCILMEMBER LILLY

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER BAUER ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTION #0139
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT - 1 -96; 1301 TURNER STREET

WHEREAS, THE CITY OF LANSING HAS CONSIDERED A REQUEST TO MAKE CITY OWNED PROPERTY AT 1301 TURNER STREET AVAILABLE FOR RESIDENTIAL DEVELOPMENT IN ORDER TO HELP STIMULATE OVERALL NEIGHBORHOOD REDEVELOPMENT; AND

WHEREAS, THE PLANNING BOARD HELD A PUBLIC HEARING ON FEBRUARY 6, 1996, WHERE MR. PETER GUINS, 1407 CENTER STREET, REPRESENTING THE GLOBAL VILLAGE PROJECT, SPOKE IN FAVOR OF THE

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PETITION; AND

WHEREAS, THE VACANT 2.64 ACRE PARCEL LOCATED ON THE WEST SIDE OF THE 1300 BLOCK OF TURNER STREET AND IS OWNED BY THE CITY OF LANSING. THE SUBJECT PROPERTY IS BOUNDED BY TURNER STREET ON THE EAST, THE GRAND RIVER ON THE WEST, DODGE RIVER DRIVE ON THE NORTH, AND THE ESTES WAREHOUSE (1223 TURNER STREET) ON THE SOUTH; AND

WHEREAS, AT THE MEETING OF THE PLANNING BOARD'S URBAN DEVELOPMENT COMMITTEE HELD FEBRUARY 13, 1996, AND AT THE PLANNING BOARD'S REGULAR BUSINESS MEETING HELD FEBRUARY 20, 1996, NO ONE SPOKE IN OPPOSITION TO THIS MATTER; AND

WHEREAS, THE PLANNING BOARD, AT ITS MEETING OF FEBRUARY 20, 1996, UNANIMOUSLY (7-0) RECOMMENDED APPROVAL OF THE REQUEST TO MAKE THIS CITY OWNED PROPERTY AVAILABLE FOR NEIGHBORHOOD REDEVELOPMENT WITH THE FOLLOWING CONDITIONS:

1. THAT THE PROPERTY BE MADE AVAILABLE FOR DEVELOPMENT BY QUALIFYING FOR PROFIT AND NOT FOR PROFIT ORGANIZATIONS;

2. THAT DEVELOPMENT OF THE PROPERTY BE FOR PRIMARILY RESIDENTIAL PURPOSES;

3. THAT THE PROPOSED ARCHITECTURE BE INNOVATIVE AND MAY INCORPORATE HISTORICAL, INTERNATIONAL, OR ETHNIC THEMES AS LONG AS IT IS COMPATIBLE WITH SURROUNDING USES;

4. THAT A MIX OF HOUSING UNIT TYPES AND DENSITIES WOULD BE ACCEPTABLE AS LONG AS OVERALL RESIDENTIAL DENSITY REQUIREMENTS ARE MET;

5. THAT INNOVATIVE DESIGN WHICH EFFECTIVELY UTILIZES THE TOPOGRAPHY AND MAINTAINS OPEN VISTAS TO THE RIVER WOULD BE ENCOURAGED;

6. THAT THE DESIGN MAKE ACCOMMODATIONS FOR ALTERNATIVE MODES OF TRANSPORTATION (BICYCLE, PEDESTRIAN, TRANSIT) , AS WELL AS PROVIDING APPROPRIATE PARKING AND PARKING ARRANGEMENTS. SECURITY AND COVERED PARKING ARE TWO ELEMENTS TO CONSIDER;

7. THAT THE DESIGN ASSURE THE CONTINUITY OF THE RIVER TRAIL. RELOCATION OF THE TRIAL THROUGHOUT THE DEVELOPMENT WOULD BE CONSIDERED; HOWEVER, RE-ROUTING ONTO AN EXISTING PUBLIC SIDEWALK IS GENERALLY UNACCEPTABLE;

8. THAT THE DESIGN BE CREATIVE IN MAXIMIZATION OF GREEN SPACE/OPEN SPACE AND MINIMIZE THE AMOUNT AND SIZE OF IMPERVIOUS SURFACES;

9. THAT ANY NON-RESIDENTIAL USES PERMITTED BE LIMITED TO "ACCESSORY USES" (CUSTOMARILY INCIDENTAL AND SUBORDINATE TO THE PRINCIPLE RESIDENTIAL USE) THAT COMPLIMENT THE PROPOSED RESIDENTIAL AND ADJACENT COMMERCIAL DISTRICTS;

10. THAT RENTS REFLECT A MIX OF INCOMES;

11. THAT THE RESIDENTIAL TENURE (HOME OWNER OCCUPIED/RENTER OCCUPIED RATIO) OF THE PROPOSED DEVELOPMENT REFLECT CITY GOALS TO INCREASE HOME OWNERSHIP;

12. THAT THE PROPOSAL BE COMPATIBLE WITH THE *RIVER ISLAND AREA COMPREHENSIVE PLAN, 1990, THE NORTHEAST AREA COMPREHENSIVE PLAN, 1990,* AND ANY PROPOSED AMENDMENTS TO THEM, AS WELL AS COMPATIBILITY WITH THE SURROUNDING NEIGHBORHOOD, INCLUDING THE OLD TOWN HISTORIC COMMERCIAL DISTRICT, THE TURNER-DODGE MANSION, AND NEARBY RESIDENTIAL AREAS. DEVELOPMENT PROPOSALS THAT ARE ABLE TO INCORPORATE PORTIONS OF THE SURROUNDING AREA INTO THE PROJECT WILL BE ENCOURAGED.

13. THAT FINANCING OF THE PROJECT LIMIT CITY PARTICIPATION AND MAXIMIZE OTHER PUBLIC AND PRIVATE INVESTMENT; AND

WHEREAS, THE MAYOR CONCURS IN THE RECOMMENDATION OF THE PLANNING BOARD; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING OF CITY COUNCIL HAS REVIEWED THE REPORT AND RECOMMENDATION OF THE PLANNING BOARD AND CONCURS THEREWITH;

NOW, THEREFORE BE IT RESOLVED THAT THE LANSING CITY COUNCIL APPROVES THE MARKETING FOR SALE OF THE CITY OWNED PROPERTY ON THE WEST SIDE OF 1300 BLOCK OF TURNER STREET FOR RESIDENTIAL DEVELOPMENT.

BE IT FINALLY RESOLVED THAT EFFORTS TO MARKET THE SITE SHOULD INCLUDE AN APPRAISAL TO ESTABLISH THE FAIR MARKET VALUE OF THE PROPERTY, AND A PROCESS TO SOLICIT DEVELOPMENT PROPOSALS INCLUDING, BUT NOT LIMITED TO, A FORMAL REQUEST FOR PROPOSALS.

BY COUNCILMEMBER LILLY

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER BAUER ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTION #0140
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF

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THE CITY OF LANSING

SLU-01-96
North Side Beaujardin Dr. at Oakbrook Dr.
Church

WHEREAS, the Greater Joy Church of God in Christ has requested a Special Land Use permit (SLU- 1 -96) to construct a church for approximately 216 members on a vacant 2.44 acre lot located on the north side of Beaujardin Drive at Oakbrook Drive, and

WHEREAS, the City has acquired the Greater Joy Church of God in Christ, located at 1026 W. St. Joseph, for redevelopment as identified in the Seven Block Area Plan, and

WHEREAS, the Planning Board held a public hearing for the Special Land Use petition on February 6, 1996, where a representative of the church spoke in favor of the petition, and two communications were received in support of the petition, and the approved minutes of said Planning Board meeting are on file in the City Clerk's Office, and

WHEREAS, the Planning Board reviewed the petition and on February 20, 1996 unanimously (7-0) recommended approval of the petition with site plan conditions, and the approved minutes of said Planning Board meeting are on file in the City Clerk's Office, and

WHEREAS, the Mayor concurs in the recommendation of the Planning Board, and

WHEREAS, the City Council held a public hearing on the request of the Greater Joy Church of God in Christ for a Special Land Use permit on March 25, 1996, and

WHEREAS, the Development and Planning Committee of City Council has reviewed the report of the Planning Board and concurs therewith,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves the Special Land Use request (SLU- 1-96) by Greater JOY Church of God in Christ to construct a church for approximately 216 people on a vacant 2.44 acre lot located on the north side of Beaujardin Drive at Oakbrook Drive, Lansing, Michigan subject to the required site plan improvements to be made to the parking and landscape screening and buffering components.

BE IT FURTHER RESOLVED that this Special Land Use shall not be effective and/or shall only remain in effect if the petitioner fully complies with the conditions set forth in this resolution.

BE IT FINALLY RESOLVED that in granting this request, the City Council determines the following:

1. The proposed special land use is harmonious with the character of adjacent property and surrounding uses.

2. The proposed special land use will not change the essential character of the surrounding property.

3. The proposed special land use will not interfere with the general enjoyment of adjacent properties.

4. The church will be an improvement to this irregularly shaped property that has always been vacant.

5. The proposed special land use will not be hazardous to adjacent properties.

6/7. The proposed special land use will not place any demands on public services and facilities in excess of current capacities.

8/9. The proposed special land use is consistent with the intent of the zoning code and objectives of the current comprehensive plan.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Bauer absent and unexcused for this vote)

RESOLUTION #0141
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Volume Services, Inc. (Ron Price, Gen. Manager, 121 South Washington Square), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1994 Class C licensed business, located at 908-910 West Saginaw Street, from Marden Corporation, and to transfer location to Oldsmobile Park, 505 East Michigan Avenue; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

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NOW, THEREFORE, BE IT RESOLVED BY THE LANSING CITY COUNCIL THAT THE REQUEST FROM VOLUME SERVICES, INC. (RON PRICE, GEN. MANAGER, 121 SOUTH WASHINGTON SQUARE), TO TRANSFER OWNERSHIP OF A 1994 CLASS C LICENSED BUSINESS, LOCATED AT 908-910 WEST SAGINAW STREET, FROM MARDEN CORPORATION, AND TO TRANSFER LOCATION TO OLDSMOBILE PARK, 505 EAST MICHIGAN AVENUE, IS HEREBY RECOMMENDED FOR APPROVAL.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #0142
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$13,500	Gen. Admin.-Fringe Ben. 101-173901-715000-0	Gen. Admin.-Ctrl 101-173901-992200-0
$13,500	Gen. Admin.-Ctrl 101-173901-992200-0	City Council-Ctrl 101-112101-992200-0
$13,500	City Council-Ctrl 101-112101-742000-0	

(ESTIMATED OPERATING COSTS NEEDED THROUGH JUNE 30, 1996.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$250	Est. Rev.-Gen. Fund 101-0-170001-0	Police Dept.-Ctrl 101-343201-992200-0
$250	Police Dept. Ctrl 101-343201-992200-0	Police Donations-DARE 101-343201-741879-0

(DONATION FROM SPARROW HOSPITAL FOR DARE. REVENUE DETAIL ACCOUNT 101-0-675010 DONATIONS-DARE.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$35,507	Forfeiture Fund-Fund Balance 265-0-390001	Grant-Eaton County 265-343253-960003

(ADDITIONAL FUNDS NEEDED FOR TOTAL GRANT MATCH FOR FY 95-96 ODCP GRANT FOR EATON COUNTY DRUG LAW ENFORCEMENT EFFORTS RELATED TO GRAND JURY ACTIVITY.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$5,000	Fire, Ambulance-Prof. Serv. 101-343570-743000-0	Fire-Control 101-343501-992200-0
$5,000	Fire-Control 101-343501-992200-0	Gen. Admin. -Control 101-173901-747035-0
$5,000	Gen. Admin.-Ctrl 101-173901-992200-0	Conferences & Workshops 101-173901-747035-0

(DUE TO STAFFING CHANGES, PAYMENT OF TUITION AT LANSING COMMUNITY COLLEGE FOR TRAINING IS MORE COST EFFECTIVE THAN IN-HOUSE TRAINING.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$200	Estimated Revenues-General Fund 101-0-170001-0	Parks and Recreation-Control 101-783660-992200-0
$200	Parks and Recreation-Control 101-783660-992200-0	Special Events 101-783833-741850-0

(DONATION FROM BUILDERS SQUARE EMPLOYEES FOR THE SENIOR PROGRAM AT MILLER ROAD COMMUNITY CENTER. REVENUE DETAIL ACCOUNT 101-675003-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$63,042	Gen Admin-Fringe Ben. 101-834101-715000-0	Gen. Admin.-Control 101-173901-992200-0
$63,042	Gen. Admin.-Control 101-173901-992200-0	City Supp. Agcy-Ctrl 101-834101-992200-0
$63,042	City Supported Agency-Control 101-834101-992200-0	Tri-Co. Aging 101-834101-960056-0

(FIRST YEAR PAYMENT OF 3 YEAR COMMITMENT TO PROVIDE FUNDING FOR TRI-CO. KITCHEN. ALSO, INCREASE IN CONSORTIUM DUES FOR AGENCY.)

BY COUNCILMEMBER BEAL

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 2 (COUNCILMEMBERS BAUER AND LILLY ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTION #143
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

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THAT THE FOLLOWING TRANSFER BE APPROVED:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$46,437	Estimated Revenues-Act 51 202-0-170001-0	Trunklines-Special Authorizations 202-453633-746703-0

(SPECIAL WORK AUTHORIZATION FROM MICHIGAN DEPARTMENT OF TRANSPORTATION TO MODERNIZE THREE TRAFFIC SIGNALS; MICHIGAN & CEDAR, MICHIGAN & LARCH, AND CEDAR AND SHIAWASSEE. REVENUE DETAIL ACCOUNT 202-0-617900.)

BY COUNCILMEMBER BEAL

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER BAUER ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTION #0144

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, RONALD C. BORSETH BEGAN HIS EMPLOYMENT WITH THE CITY IN JANUARY, 1960 AS AN ICE RINK RANGER WHILE HE WAS EMPLOYED WITH THE INGHAM COUNTY SHERIFF DEPARTMENT; AND

WHEREAS, RONALD C. BORSETH WORKED AS A PARKS SECURITY OFFICER FROM 1963 UNTIL 1972; AND

WHEREAS, RONALD C. BORSETH LEFT EMPLOYMENT WITH THE CITY IN BE A SELF-EMPLOYED CONTRACTOR; AND

WHEREAS, RONALD C. BORSETH RESUMED EMPLOYMENT WITH THE CITY IN JULY, 1980 AS A CONSTRUCTION MAINTENANCE WORKER IN THE BUILDING MAINTENANCE DIVISION OF THE ADMINISTRATIVE SERVICES DEPARTMENT; AND

WHEREAS, RONALD C. BORSETH IN 1986 BECAME THE LEAD WORKER FOR THE BUILDING MAINTENANCE DIVISION; AND

WHEREAS, RONALD C. BORSETH BECAME THE BUILDING MAINTENANCE SUPERVISOR IN 1987, A POSITION HE HELD UNTIL 1996 WHEN HE RETIRED; AND

WHEREAS, RONALD C. BORSETH HAS PROVIDED COUNTLESS HOURS OF SERVICE TO THE EMPLOYEES OF THE CITY AND THE CITIZENS OF LANSING; AND

WHEREAS, RONALD C. BORSETH PROVIDED COMFORT AND SAFETY TO ALL THOSE WHO ENJOYED OUR PARKS; AND

WHEREAS, RONALD C. BORSETH TRAINED CITY STAFF IN DEVELOPING EFFICIENCIES IN CONSTRUCTION AND RENOVATION PROJECTS; AND

WHEREAS, THE EFFECTS OF HIS SKILLS AND KNOWLEDGE ARE EVERYWHERE IN THE CITY, THOSE SEEN AND THOSE UNSEEN; AND

WHEREAS, RONALD C. BORSETH RENOVATED MANY CITY BUILDINGS AND HELPED CONSTRUCT SOME OF THE FACILITIES ENJOYED BOTH BY CITY EMPLOYEES AND RESIDENTS, SUCH AS THE CLASSROOM AND TRAINING TOWER FOR THE FIRE DEPARTMENT AND THE STARTER HOUSE AT SYCAMORE GOLF COURSE;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, THAT THE CITY COUNCIL, THE MAYOR AND THE CITIZENS OF THE CITY EXPRESS THEIR EVERLASTING APPRECIATION TO THE CONTRIBUTIONS MADE BY RONALD C. BORSETH TO THE PEOPLE OF LANSING; AND

BE IT FURTHER RESOLVED, THAT A PLAQUE RECOGNIZING THE CONTRIBUTIONS OF RONALD C. BORSETH TO THE CITY BE AFFIXED TO THE STARTER HOUSE AT THE SYCAMORE GOLF COURSE; AND

BE IT FURTHER RESOLVED, THAT THE COUNCIL RECOMMEND TO THE PARKS BOARD AND THE MEMORIAL REVIEW BOARD THAT THE STARTER HOUSE AT THE SYCAMORE GOLF COURSE BE NAMED TO HONOR RONALD C. BORSETH AND RECOGNIZE THE CONTRIBUTIONS HE HAS MADE TO THE CITY OF LANSING.

BY COUNCILMEMBER ALLEN:

CARRIED UNANIMOUSLY

RESOLUTION #0145

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, THE CLERK HAS FORWARDED AN APPLICATION FOR A CITY PERMIT, WHICH HAS BEEN ROUTINELY PROCESSED WITHOUT OBJECTION AND IS READY FOR FINAL ACTION BY THIS COUNCIL; AND

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE FOLLOWING APPLICATION FOR A CITY PERMIT:

FIREWORKS DISPLAY PERMIT:
LANSING LUGNUTS
505 EAST MICHIGAN AVENUE
DISPLAY ON CEDAR ST. SIDE OF
OLDSMOBILE PARK, NIGHT OF
APRIL 6, 1996, AFTER BALL GAME

BY COUNCILMEMBER BENAVIDES:

CARRIED UNANIMOUSLY

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RESOLUTION #0146
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, FOR MORE THAN A YEAR, THE AD HOC SOUTH SIDE COMMUNITY CENTER COMMITTEE, CHAIRED BY COUNCILMEMBERS ALLEN AND BENAVIDES, AND CONSISTING OF CITIZENS AND STAFF, CONSIDERED RECREATIONAL NEEDS OF SOUTH LANSING RESIDENTS AND DEVELOPED A LIST OF RECOMMENDATIONS INTENDED TO MEET THOSE NEEDS; AND

WHEREAS, THE COMMITTEE HAD THE ASSISTANCE OF AN ARCHITECT FIRM, WHICH PRODUCED A DESIGN OF A FULL-SERVICE, EFFICIENT FACILITY THAT COULD OFFER RECREATION PROGRAMS TO ALL SEGMENTS OF THE COMMUNITY; AND

WHEREAS, THE COMMITTEE RECOMMEND THAT THE CENTER BE LOCATED ON CITY-OWNED LAND IN SOUTH WASHINGTON PARK, FOR EASE OF ACCESS BY THE ENTIRE COMMUNITY; AND

WHEREAS, THE COMMITTEE ON PUBLIC SERVICES REVIEWED THE AD HOC COMMITTEE'S RECOMMENDATIONS, AND ENDORSES THE CONCEPT OF THE CENTER AND ITS PROPOSED LOCATION;

NOW, THEREFORE, BE IS RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE SOUTH SIDE COMMUNITY CENTER CONCEPT, AND LOCATION OF THE CENTER IN SOUTH WASHINGTON PARK, AS RECOMMENDED BY THE AD HOC COMMITTEE AND THE COMMITTEE ON PUBLIC SERVICES; AND

BE IT FURTHER RESOLVED THE COUNCIL REQUESTS THE MAYOR TO DEVELOP WITHIN 30 DAYS A REPORT CONTAINING OPTIONS FOR FINANCING THE CENTER.

BY COUNCILMEMBER LEEMAN:

TO ACCEPT A FRIENDLY AMENDMENT PROPOSED BY COUNCILMEMBER NOVAK TO: VOTE SEPARATELY ON THE FINAL TWO PARAGRAPHS AND TO AMEND THE FINAL PARAGRAPH BY ADDING "AS WELL AS ANY APPROPRIATE REPAIRS THAT ARE NECESSARY TO THE CITY'S EXISTING COMMUNITY CENTERS."

BY COUNCILMEMBER LEEMAN

THAT THE RESOLUTION BE APPROVED UP TO, AND INCLUDING THE FOLLOWING PARAGRAPH:

"NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE SOUTH SIDE COMMUNITY CENTER CONCEPT, AND LOCATION OF THE CENTER IN SOUTH WASHINGTON PARK, AS RECOMMENDED BY THE AD HOC COMMITTEE AND THE COMMITTEE ON PUBLIC SERVICES; AND

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BENAVIDES, JONES, LEEMAN AND LILLY

NAYS: COUNCILMEMBERS BAUER, BEAL AND NOVAK

BY COUNCILMEMBER LEEMAN

TO APPROVE THE FOLLOWING PARAGRAPH WHICH INCLUDES COUNCILMEMBER NOVAK'S FRIENDLY AMENDMENT:

"BE IT FURTHER RESOLVED THE COUNCIL REQUESTS THE MAYOR TO DEVELOP WITHIN 30 DAYS A REPORT CONTAINING OPTIONS FOR FINANCING THE CENTER AS WELL AS ANY APPROPRIATE REPAIRS THAT ARE NECESSARY TO THE CITY'S EXISTING COMMUNITY CENTERS."

BY COUNCILMEMBER ALLEN:

TO AMEND THE PARAGRAPH PROPOSED ABOVE BY INSERTING THE WORDS "WITH THE ASSISTANCE OF THE INTERNAL AUDITOR" AFTER THE WORD MAYOR SO THAT THE PARAGRAPH READS:

BE IT FURTHER RESOLVED THE COUNCIL REQUESTS THE MAYOR WITH THE ASSISTANCE OF THE INTERNAL AUDITOR TO DEVELOP WITHIN 30 DAYS A REPORT CONTAINING OPTIONS FOR FINANCING THE CENTER AS WELL AS ANY APPROPRIATE REPAIRS THAT ARE NECESSARY TO THE CITY'S EXISTING COMMUNITY CENTERS.

CARRIED UNANIMOUSLY.

COUNCILMEMBER LEEMAN'S MOTION FOR AFFIRMATIVE ROLL ON THE AMENDED PARAGRAPH WAS

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BENAVIDES, JONES, LEEMAN AND LILLY

NAYS: COUNCILMEMBERS BAUER, BEAL AND NOVAK

RESOLUTION #0147
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS,, THE CITY OF LANSING IS PROPOSING THE DEVELOPMENT OF AN ENTERTAINMENT DISTRICT IN THE DOWNTOWN; AND

WHEREAS, ONE PROJECT OF THE ENTERTAINMENT DISTRICT IS THE OPENING OF THE OLDSMOBILE STADIUM ON THE NORTH SIDE OF EAST MICHIGAN AVENUE BETWEEN CEDAR AND LARCH STREETS; AND

WHEREAS, EAST MICHIGAN AVENUE WILL EXPERIENCE LARGE VOLUMES OF PEDESTRIAN MOVEMENT TO AND

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FROM THE STADIUM; AND

WHEREAS, EAST MICHIGAN AVENUE IS THE MAIN CORRIDOR FROM THE EAST, LEADING TO THE PROPOSED STADIUM AND THE STATE CAPITOL; AND

WHEREAS, STREETSCAPING IMPROVEMENTS OF THIS CORRIDOR WOULD ENHANCE THE PROPOSED ENTERTAINMENT DISTRICT; AND

WHEREAS, SPARROW HOSPITAL IS PLANNING TO COMPLETE STREETSCAPING IMPROVEMENTS ALONG ITS PROPERTY FRONTING EAST MICHIGAN AVENUE; AND

WHEREAS, THE MICHIGAN DEPARTMENT OF TRANSPORTATION PROVIDES FINANCIAL ASSISTANCE IN THE FORM OF GRANTS THROUGH ITS TRANSPORTATION ENHANCEMENT ACTIVITY PROGRAM; AND

WHEREAS, THE MICHIGAN DEPARTMENT OF TRANSPORTATION HAS PROVIDED US WITH A GRANT IN THE AMOUNT OF $202,500 FOR PHASE I OF THE EAST MICHIGAN AVENUE STREETSCAPE TO BE CONSTRUCTED IN 1996.

WHEREAS, THIS GRANT REQUEST, IS FOR $221,925 AND THE MATCHING FUNDS ARE $73,975;.

NOW THEREFORE BE IT RESOLVED, THAT THE PUBLIC SERVICE DEPARTMENT SHALL BE AUTHORIZED TO APPLY FOR TRANSPORTATION ENHANCEMENT FUNDS FOR THESE STREETSCAPING IMPROVEMENTS

BY COUNCILMEMBER LEEMAN

TO ACCEPT A FRIENDLY AMENDMENT PROPOSED BY COUNCILMEMBER NOVAK AS FOLLOWS: TO ADD AN ADDITIONAL PARAGRAPH "BE IT FURTHER RESOLVED, THAT, IF THE GRANT IS APPROVED, THE ADMINISTRATION IS AUTHORIZED TO PLACE THE FUNDS IN THE APPROPRIATE ACCOUNT.", AND TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED

CARRIED UNANIMOUSLY

ORDINANCES FOR INTRODUCTION & SETTING OF PUBLIC HEARINGS

INTRODUCTION OF ORDINANCE AMENDING THE UNIFORM TRAFFIC CODE, CHAPTER SIX, SECTIONS 6.21, 6.21(A), AND 6.24

BY COUNCILMEMBER ALLEN:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER SIX, THE UNIFORM TRAFFIC CODE, SECTIONS 6.21, 6.21(A) AND 6.24, FOR THE PURPOSE OF REQUIRING THAT PERSONS UNDER AGE EIGHTEEN OPERATING OR RIDING BICYCLES AND MOPEDS, WEAR PROTECTIVE HELMETS; TO MAKE VIOLATIONS CIVIL INFRACTIONS; TO DELAY ISSUANCE OF CITATIONS UNTIL JANUARY 1, 1997; TO IMPOSE JOINT AND SEVERAL LIABILITY ON PARENTS FOR THE FINES AND COSTS ESTABLISHED FOR VIOLATIONS; AND TO EARMARK FINE REVENUE FROM VIOLATIONS OF SECTION 6.21, FOR A BICYCLE SAFETY EDUCATION PROGRAM, WAS INTRODUCED BY COUNCILMEMBER ALLEN AND REFERRED TO THE COMMITTEE ON PUBLIC SAFETY.

RESOLUTION #0148
RESOLUTION SETTING PUBLIC HEARING

BY COUNCILMEMBER ALLEN:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, APRIL 22, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER SIX, THE UNIFORM TRAFFIC CODE, SECTIONS 6.21, 6.21(A) AND 6.24 FOR THE PURPOSE OF REQUIRING THAT PERSONS UNDER AGE EIGHTEEN OPERATING OR RIDING BICYCLES AND MOPEDS, WEAR PROTECTIVE HELMETS; TO MAKE VIOLATIONS CIVIL INFRACTIONS; TO DELAY ISSUANCE OF CITATIONS UNTIL JANUARY 1, 1997; TO IMPOSE JOINT AND SEVERAL LIABILITY ON PARENTS FOR THE FINES AND COSTS ESTABLISHED FOR VIOLATIONS; AND TO EARMARK FINE REVENUE FROM VIOLATIONS OF SECTION 6.21, FOR A BICYCLE SAFETY EDUCATION PROGRAM

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCE AMENDING CHAPTER 206 PURCHASING ORDINANCE

BY COUNCILMEMBER BEAL:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 206, THE PURCHASING ORDINANCE, FOR THE PURPOSE OF REQUIRING THE EVALUATION OF A BIDDER'S COMMITMENT TO THE HIRING OF CITY RESIDENTS IN DETERMINING THE LOWEST AND MOST RESPONSIBLE AND RESPONSIVE BIDDER; TO ESTABLISH AN ANNUAL GOAL FOR THE PARTICIPATION OF MINORITY, WOMEN AND HANDICAPPER BUSINESS ENTERPRISES IN CITY PROCUREMENT CONTRACTS; AND TO ESTABLISH A BID PREFERENCE FOR LANSING BASED BIDDERS AND OFFERORS ON CERTAIN CITY CONTRACTS, WAS INTRODUCED BY COUNCILMEMBER BEAL AND REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

RESOLUTION #0149
RESOLUTION SETTING PUBLIC HEARING

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By Councilmember Beal:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 13, 1996 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 206, The Purchasing Ordinance for the purpose of Requiring the Evaluation of a Bidder's Commitment to the Hiring of City Residents in Determining the Lowest and Most Responsible and Responsive Bidder; to Establish an Annual Goal for the Participation of Minority, Women and Handicapper Business Enterprises in City Procurement Contracts; and to Establish a Bid Preference for Lansing Based Bidders and Offerors on Certain City Contracts

Interested persons are invited to attend this public hearing

Carried unanimously

INTRODUCTION OF ORDINANCE
ADDING CHAPTER 1050

By Councilmember Leeman

That an Ordinance Amending the Code of Ordinances by Adding a New Chapter, Chapter 1050, to the Code of Ordinances of the City of Lansing for the purpose of providing for the Hearing of Appeals on Charges, or Fees, without First Requiring Prepayment of Same, was introduced by Councilmember Leeman and Referred to the Committee on Ways and Means

RESOLUTION #0150

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING THAT a public hearing be set for Monday, April 22, 1996, at 7:00 PM, in the 10th floor Council Chambers of Lansing City Hall, for the purpose of considering an ordinance to amend the Code of ordinances of the City of Lansing by adding a new Chapter 1050 to provide for the hearing of appeals on charges or fees, without first requiring prepayment of same.

By Councilmember Leeman:

To amend the resolution by Changing the Public Hearing Date to May 13, 1996 and to place an affirmative roll on resolution as amended 13, 1996.

Carried unanimously

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

That we move to the Passage of Ordinances

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in it's entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-17-95, 318 and 320 Beaver St. and 1425 Center St.., be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-17-95, 318 and 320 Beaver St. and 1425 Center St., be now passed

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

ORDINANCE #2393

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to

provide as follows: To change the zoning classification on the property described as follows:

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CASE NUMBER: Z-17-95, 318 AND 320 BEAVER ST. AND 1425 CENTER ST.

PARCEL NUMBER: PPNs 3301-09-255-111 & -121

LEGAL DESCRIPTION: EAST 120 FT. LOT 1, BLOCK 7, ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

FROM "H" LIGHT INDUSTRIAL TO "C" RESIDENTIAL DISTRICT

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-19-95, 601 E. MICHIGAN AVE., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-19-95, 601 E. MICHIGAN AVE., BE NOW PASSED

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

ORDINANCE# 2394

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE DISTRICT MAPS ADOPTED BY AND INCORPORATED AS SECTION

1246.02 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO PROVIDE AS FOLLOWS:

TO CHANGE THE ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS FOLLOWS:

CASE NUMBER: Z-19-95, 601 E. MICHIGAN AVE.

PARCEL NUMBER: 3301-16-277-171

LEGAL DESCRIPTION: LOT 20, ASSESSORS PLAT NO. 36 OF BLOCK 243, ORIGINAL PLAT CITY OF LANSING INGHAM COUNTY MICHIGAN

FROM "H" LIGHT INDUSTRIAL TO "G-1" BUSINESS DISTRICT

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-21-95, 2817 E. MT. HOPE AVE., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

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BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-21-95, 2817 E. Mt. Hope Ave., be now passed

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Lilly, Novak

NAYS: Councilmember Leeman

ABSENT: None

ORDINANCE 2395

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section

1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-21-95, 2817 E. Mt. Hope Ave.

Parcel Number: 3301-23-452-101

Legal Description: LOT 4, SUPERVISOR'S PLAT OF FIDELITY FARMS, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

From "A" Residential to "D-1" Professional Office District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Marilynn Slade, City Clerk

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in it's entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-23-95, 910 Jerome St., be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-22-95, 910 Jerome St., be now passed

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

ORDINANCE #2396

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-22-95, 910 Jerome Street

Parcel Number: PPN 3301-15-156-141.

Legal Description: LOT 9 BLOCK 2, JEROME'S ADDITION, CITY OF LANSING, INGHAM COUNTY,

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MICHIGAN. PPN

From "DM-3" Residential to "D-1" Professional Office District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Marilynn Slade, City Clerk

CONSIDERATION OF LATE ITEMS

1/ From Councilmember Allen; A letter from William Maul of 916 Riley Street regarding city garbage bags

REFERRED TO THE COMMITTEE ON PUBLIC SERVICE

2/ From councilmember Allen; A letter from Michelle and Gerry Vander Velde of 4726 Omar Drive regarding their shifts on the Fire Department

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE MAYOR

3/ From Councilmember Allen; A resolution of tribute to Ron Borseth

HANDLED AS RESOLUTION #144

4/ From Councilmember Benavides; That the Resolution for approval of the liquor license transfer for Take Me Out to the Ballgame be acted upon before the first Public Comments section of the Agenda

HANDLED AS RESOLUTION #141

5/ From Councilmember Benavides; A resolution approving a fireworks display permit to the Lansing Lugnuts

HANDLED AS RESOLUTION #145

6/ From Councilmember Benavides; A petition filed by Cathleen Garza of 3326 Viola Street requesting stop signs on Viola and Wexford Streets and Viola and Catalpa Drive

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ From Councilmember Beal; That the Mayor be allowed to make a presentation under special ceremonies

THIS PRESENTATION WAS MADE DURING SPECIAL CEREMONIES-+

8/ From Councilmember Leeman; A resolution regarding the South Side Community Center

HANDLED AS RESOLUTION #146

9/ From Councilmember Leeman; A resolution regarding a grant for streetscaping improvements

HANDLED AS RESOLUTION #147

10/ From Councilmember Leeman; Introduction of an ordinance to add a new Chapter 1050 for the hearing of appeals from charges of fees, without first requiring prepayment of same and the setting of a public hearing for May 13, 1996

HANDLED AS RESOLUTION #150

11/ From Councilmember Leeman; Thirty four postcards received regarding the Civil Rights Ordinances adopted on March 18, 1996

RECEIVED AND PLACED ON FILE

PUBLIC COMMENT

Conrad Tessmar of 310 Seymour asked when restrooms would be installed at Municipal Park. Councilmember Leeman responded that this should be done this year.

David Reed of P. O. 6885 East Lansing stated that he will be suing the city for its refusal to find housing for him.

Lloyd Teets of 116 E. Elm stated he opposes the change to Rule 19 and feels that the rain tax could have been assessed in a different manner.

REMARKS BY COUNCILMEMBERS

Councilmember Lilly announced that there will be no Development and Planning Committee meetings for two weeks.

Councilmember Beal announced that the Ways & Means Committee on April 3 will be at 3:00 P.M. instead of 4:00 P.M. She also announced that she was saddened to hear of the death of Larry Gibson who was a vendor at the City Market.

Councilmember Leeman extended congratulations to Claude Ramey on his 70th birthday. He also announced an Oak Park neighborhood cleanup on April 5, an Oak Park Easter Egg hunt also on April 5, a United in Action neighborhood Easter

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Egg Hunt on April 6. He also announced that the Public Service Committee meeting of April 10th will have the stormwater enterprise fund on the agenda.

Councilmember Benavides announced that the Committee on general Services will be taking up the resolution on Council Rule 19 at its meeting this Tuesday at 11:30 A.M.

Councilmember Allen reported that Public Safety will be meeting on Tuesday, April 2, at 3:00 P.M.

Councilmember Novak responded to comments made by Lloyd Teets who stated that the ad hoc committee did not look at other alternatives for collecting the fee. Councilmember Novak stated that they looked at a sewer rate increase which they estimated would cost the average household $77 a year and at a millage increase which would have cost the average household $95 a year. The option selected costs the average Lansing homeowner $72 per year.

MAYOR'S COMMENTS

Daivid Wiener reported that they will have a report on the City Market and the possibility of extended hours ready for the Ways and Means Committee meeting this Wednesday.

Mr. Wiener reported that it was wonderful to watch the enthusiasm for the Lugnuts and Olds Park at the hardhat party this past Sunday. The people of Lansing are really excited about all the changes.

ADOURNED 10:10 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS APRIL 8, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Novak

CONSIDERATION OF LATE ITEMS

By Councilmember Beal:

To accept the following under suspension of the rules:

1. From Councilmember Beal; a request that the rules be suspended to allow for a Special Ceremony for Friends of Fenner Arboretum to present a Check to Mayor Hollister

2. From Councilmember Beal; a Resolution for Grant Acceptance

3. From Councilmember Lilly; a Resolution for passage during the Special Ceremony Tribute to the Lansing Community College Lady Stars

SPECIAL CEREMONIES

A. Councilmember Lilly , along with Mayor Hollister presented a Resolution of Special Tribute to the LCC Women's Basketball Lady Stars National Champions.

B. Clara Bratton and Fern Featherly of "Friends of Fenner Arboretum" presented a Check in the amount of $3,500 to Mayor Hollister to help pay for additional Signage at Fenner Arboretum. One sign to be located at the corner of Mt. Hope and Aurelius Rd. and one in the entry boulevard of the Nature Center.

C. Mayor Hollister Presented a Proclamation declaring the week of April 7-13, 1996 as "International Building Safety Week" to Jack Nelson of the City of Lansing Building Safety Division.

PUBLIC COMMENT

Mark Eggleston of 4001 Heathgate suggested that Parks and Recreation should be the topic for discussion at the April 29, 1996 Town Hall Forum/City Council meeting. He noted that the State Journal reported today that the City is involved in 1,000 rain tax (Stormwater Enterprise Fund) fee appeals. The City discourages businesses rather than encouraging them. The City itself, he said, is late in paying $25,000 in Stormwater Enterprise Fund fees. The 3% penalty on the late rain fees owed by the city is $750.00. This not a wise use of that money, it is mismanagement. He complained about the conditions of City streets and curbs and gutters and requested that they be cleaned soon. He commented on the amount of jobs that Lansing is losing, both through General Motors and through Michigan Capital Medical Center.

Lloyd Teets of 116 E. Elm complained that the Black Book is not available for the public to review the agenda items. He stated his opposition to the Proclamation on Building Safety Week presented to Jack Nelson by Mayor Hollister. City Council, he said, does not have any jurisdiction over the CSO construction schedule and should not be discussing it in Committee of the Whole. The rain tax (Stormwater Enterprise Fund fees) was the largest single tax increase in the City of Lansing since the institution of a City Income Tax. The use of the word 'fee' to describe this tax is nothing but snake oil and fraud.

Alexander Bolt of 1230 Reo Rd. claimed to have received information that the City of Lansing is exempt from the Federal Mandate of the Clean Water Act. He said that the number of appeals reported by the State Journal as being filed on the Stormwater Enterprise Fund fees is not accurate, because, some people did not file appeals. The City has filed a motion for pre-emptory dismissal of the lawsuit in this case. He reported that petitions have been submitted to the City Attorney, for his approval, which set forth the definitions of taxes, special assessments and fees. The next meeting of CARTO (Citizens to abolish the Rain Tax Ordinance) will be held on April 25, 1996 at 7:00 P.M. at Gardner Middle School.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Darryl Burgess regarding the Civic Center Time Capsule

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REFERRED TO COUNCILMEMBER BEAL

B. Z-04-96, 4720 S. Cedar Rezoning Petition filed by Thomas DeBoer of 300 Ottawa Ave., NW Grand Rapids; to rezone from "A" Residential to "F" commercial and "A" residential to allow for development of the front 183' for use as Auto Glass Replacement Facility

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Letter from John Pollard, Executive Director, Black Child & Family Institute, regarding funding for TAGS (Teen Anti-Graffiti Squad)

REFERRED TO THE MAYOR

D. Letters concerning the proposal to replace city garbage bags with carts received from:

-Elizabeth Glew of 613 N. Magnolia Ave.
-Carla Monestere of 613 N. Magnolia Ave.

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

E. Z-3-96 Petition for rezoning 4916 S. Cedar Street from "A" residential to "F" commercial filed by Bill Jakovac, Sr. of 4916 S. Cedar St. to allow for the construction of a storage structure

REFERRED TO THE MAYOR AND THE PLANNING BOARD

F. Letter from Loretta Savoie of 1800 E. Holmes Road regarding the stormwater enterprise fund

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

MAYOR'S COMMENTS

Mayor Hollister reported that 280 young people participated in the first night of Teen events sponsored by the City of Lansing at Harry Hill Center for Academics and Technology over spring break. Over 370 Teens took part in the Over-night held Wednesday April 3, 1996 at Harry Hill.

The South Side Precinct and Community Center is now operational. Councilmembers can tour the facility whenever they wish.

He said that the entire week of the Lugnuts Opening Game was a festive celebration of the opening of the Stadium. He thanked staffmembers who worked on the planning stages of all of the events. Every single event turned out beautifully. He has received overwhelming positive feedback about the Stadium and the team. The Broadcast Media coverage was fantastic. He received congratulations and well wishes from every corner, including President Clinton. Many, many dignitaries commended the City on the completion of the stadium within the one-year period of time. To date the Lugnuts have surpassed every attendance goal that has ever been set in the minor leagues, as well as all sales figures. This is a trend that he hopes to see continue.

Councilmember Lilly said that dozens of people walked up to him and thanked him for getting the Stadium and for getting it in downtown Lansing. Over 22,000 people were in attendance at the three games held so far. Over $49,000 worth of merchandise was sold last Friday at the Nuts and Bolts store. He was impressed with the behavior of the people in attendance at the games and with the attitude of the Police Officers patrolling the area.

Mayor Hollister said that there were no real problems. Three people were stopped on Friday night, but there were no arrests. The Detroit Free Press ran an article about the red hats worn by Police at the games and on the friendliness of the Police Officers. He announced an upcoming contest between the Lugnuts, the White Caps, and the Battle Cats to see who can contribute the most food to local food banks.

Council President Jones noted that the Grand Rapids Free Press recently ran an article on Oldsmobile Park.

Councilmember Leeman requested that the administration look into a situation with Lugnut fans parking in the "No Parking" zones on Shiawassee and Larch streets.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS:

Application for Fireworks Display Permits Filed by Lugnuts for:
-May 18, 1996
-June 21, 1996
-July 2, 1996
-August 28, 1996

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON PUBLIC SAFETY

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney regarding:

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1. -Leo John Doyle v City of Lansing
-Carol and Robert Parker v City of Lansing

RECEIVED AND PLACED ON FILE

2. Letter requesting council to consider the operational agreement with LEPFA

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

D. Letters from the Mayor re:

1. Recommended members for the Memorial Review Board:

(Luis I. Briones, Patricia E. Hayden, Gladys Beckwith, Lee N. June)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. Transfer of Funds: Parks, Public Service, LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3. Appreciation Letter from Harry Joseph to the Lansing Police Department

RECEIVED AND PLACED ON FILE

4. Appreciation Letter from Mary Hauser regarding the C.O.P.P.E.R. Program for the North Precinct

RECEIVED AND PLACED ON FILE

5. Appreciation Letter from Evelyn Jean Patchett regarding the Lansing Police Department

RECEIVED AND PLACED ON FILE

6. Amendment to Ordinance 1238.11 - Subdivision Developers and Bituminous Pavement Construction

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

7. Traffic Control Request: Kipling Blvd. & LaSalle Gardens

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8. Traffic Control Request: LaSalle Gardens & Midvale Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9. Proposed New Ordinance to Consolidate the Human Relations and Human Resources Advisory Boards

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

10. Request for Use of Community Use Fund to Assist the Tri-County Women's Coalition with the Installation and Removal of their Women's History Month Banner - $858.26

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

11. 1996 Sidewalk Repair - A; Public Improvement III

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

12. Recommendation for the Lansing City Market Management

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

ROUTINE MATTERS FOR ACTION

INTRODUCTION OF ORDINANCE
ADOPTION OF 1996 NATIONAL ELECTRICAL CODE
By Councilmember Allen:

That an Ordinance to amend Section 1424.01 of Chapter 1424 of the Codified Ordinances of the City of Lansing by adopting the 1996 Edition of the National Electrical Code was introduced by Councilmember Allen and referred to the Committee on Public Safety.

RESOLUTION #151
RESOLUTION SETTING PUBLIC HEARING
By Councilmember Allen:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 28, 1996 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by amending Section 1424.01 of Chapter 1424 of the Codified Ordinances of the City of Lansing for the purpose of adopting the 1996 Edition of the National Electrical Code.

Interested persons are invited to attend this public hearing

By Councilmember Allen

Carried unanimously

RESOLUTION #152
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a request to change the parking regulations on Michigan Avenue between Pennsylvania Avenue and Holmes Street in order to implement portions of the East Michigan Avenue Revitalization Plan;

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WHEREAS, the East Michigan Avenue Revitalization Plan, which is part of the City's Master Plan, called for the removal of parking on both sides of Michigan Avenue between Pennsylvania Avenue and Holmes Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the roadway conditions and parking activities;

WHEREAS, on January 23, 1996, the Transportation Division mailed a survey to the business and property owners on Michigan Avenue between Pennsylvania Avenue and Holmes Street asking the owners if they had adequate off-street parking, what the impacts would be if the on-street parking was removed, and if the owner would support the removal of on-street parking in front of their business or property;

WHEREAS, only three property owners responded negatively to the removal of on street in front of their property, two of which are vacant properties that would be required to provide off-street parking if developed;

WHEREAS, the third property is a dance studio that has inadequate off-street parking for its current use and uses Michigan Avenue and Jones Street for drop-off and pick-up parking;

WHEREAS, the vacation of Jones Street will require the construction of a cul-de-sac on Jones Street south of Michigan Avenue which will give the dance studio a safer place for drop-off and pick-up parking;

WHEREAS, Eureka Street, which is one block south of Michigan Avenue, can be used by the dance studio for longer term patron parking;

WHEREAS, the Public Service Department is designing streetscape improvements on Michigan Avenue from Larch Street to Holmes Street as part of the implementation phase of the East Michigan Avenue Revitalization Plan;

WHEREAS, streetscape improvements are scheduled to occur in 1996 on the north side of Michigan Avenue from Holmes Street to Jones Street, in 1997 on the north side of Michigan Avenue from Jones Street to Pennsylvania Avenue and the on the south side of Michigan Avenue from Jones Street to Holmes Street, and in 1998 on the south side of Michigan Avenue from Pennsylvania Avenue to Jones Street;

WHEREAS, public meetings were held on February 1, 1996, and March 7, 1996, to discuss the removal of parking on both sides of Michigan Avenue between Pennsylvania Avenue and Holmes Street;

WHEREAS, based upon the Transportation Division's study, the Traffic Board voted four to one in favor of the removal of parking on Michigan Avenue between Pennsylvania Avenue and Holmes Street;

WHEREAS, the Mayor concurs with the removal of parking on both sides of Michigan Avenue between Pennsylvania Avenue and Holmes Street;

WHEREAS, the committee on Public Safety reviewed the report and concurs with the removal of parking on both sides of Michigan Avenue between Pennsylvania Avenue and Holmes Street;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Orders 96-015, 96-016, and 96-017 thereby authorizing the Transportation Engineer to prohibit parking on both sides of Michigan Avenue, from Holmes Street to Pennsylvania Avenue;

BE IT FURTHER RESOLVED that the implementation of no parking be delayed until construction commences on each phase of the East Michigan Avenue Streetscape project, and that parking remain on the south side of Michigan Avenue from Pennsylvania Avenue to Jones Street until the cul-de-sac on Jones Street south of Michigan Avenue is constructed;

BE IT FINALLY RESOLVED that Traffic Control Orders 96-015, 96-016, and 96-017 shall become effective when signed by the Transportation Engineer, filed with the City Clerk, and appropriate signs are erected.

By Councilmember Allen

Carried unanimously

RESOLUTION #0153
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Perpetual Investments, Inc. (Stockholder: Edward D. Hall, 5028 Kessler), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1994 Class C licensed business in escrow with Dance-Entertainment Permit, located at 727 East Miller Road and formerly doing business as The Hayloft, from Michael W. Ing; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Perpetual

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Investments, Inc. (Stockholder: Edward D. Hall, 5028 Kessler), to transfer ownership of a 1994 Class C licensed business in escrow with Dance-Entertainment Permit, located at 727 East Miller Road and formerly doing business as The Hayloft, from Michael W. Ing, is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0154
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Black Men Incorporated of Greater Lansing Charitable and Education Fund has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes Black Men Incorporated of Greater Lansing Charitable and Education Fund as a non-profit organization operating in the Lansing community.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0155
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Southside Community Kitchen has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes Southside Community Kitchen as a non-profit organization operating in the Lansing community.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0156
BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communications dated March 29, 1996, to Catholic Social Services/Refugee Services

AND BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies by April 12, 1996, may be disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0157
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred complaints about City green refuse bags,

REPORTS AS FOLLOWS: The Committee received a verbal report from Bob Moye of the Public Service Operations and maintenance Division Refuse Section. Mr. Moye was aware of the problem with a bad batch of bags from the vendor. He has requested a credit from the vendor for 15 cases of defective bags. The City's bag merchants sell about 300-400 cases of bags per month. Mr. Moye also reported that a State Journal report was inaccurate about refuse containers to be offered by the City in the new fiscal year, if the Council approves the mayor's proposal. Containers will be offered on a monthly rental basis in addition to, not instead of, green bags. Container users may use any kind of bag for refuse going into the containers. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

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CARRIED UNANIMOUSLY

RESOLUTION #0158
INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 812
PRINCIPAL SHOPPING DISTRICT
BY COUNCILMEMBER LILLY:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING AND REVISING CHAPTER 812 OF THE CODIFIED ORDINANCES FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT OF THE DOWNTOWN LANSING AND ENVIRONS PRINCIPAL SHOPPING DISTRICT, TO DEFINE TERMS USED IN SAID CHAPTER, AND TO ESTABLISH THE BOUNDARIES OF SAID DISTRICT; WAS INTRODUCED BY COUNCILMEMBER LILLY AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #0158
RESOLUTION SETTING PUBLIC HEARING
BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, APRIL 29, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING AND REVISING CHAPTER 812 OF THE CODIFIED ORDINANCES FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT OF THE DOWNTOWN LANSING AND ENVIRONS PRINCIPAL SHOPPING DISTRICT, TO DEFINE TERMS USED IN SAID CHAPTER, AND TO ESTABLISH THE BOUNDARIES OF SAID DISTRICT.

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCE
AMENDING SECTION 1026.08
PRINCIPAL SHOPPING DISTRICT
BY COUNCILMEMBER LILLY:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING SECTION 1026.08 OF THE CODIFIED ORDINANCES FOR THE PURPOSE OF REVISING THE LANGUAGE THEREIN TO REFLECT THE AMENDMENTS AND REVISIONS TO CHAPTER 812 OF THE CODIFIED ORDINANCES OF LANSING WAS INTRODUCED BY COUNCILMEMBER LILLY AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #0159
RESOLUTION SETTING PUBLIC HEARING
BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, APRIL 29, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING SECTION 1026.08 OF THE CODIFIED ORDINANCES FOR THE PURPOSE OF REVISING THE LANGUAGE THEREIN TO REFLECT THE AMENDMENTS AND REVISIONS TO CHAPTER 812 OF THE CODIFIED ORDINANCES OF LANSING.

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #0160
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,500	City Council-Community Promotions 101-112101-741200-0	City Council-control 101-112101-992200-0
$750	Police Investigations-Prof. Services 101-343240-743000-0	Police-Control 101-343201-992200-0
$750	Fire Ambulance-Repair & Maint. 101-343570-746000-0	Fire-Control 101-343501-992200-0
$1,500	City-Council Control 101-112101-992200-0	
$750	Police-Control 101-343201-992200-0	
$750	Fire-Control 101-343501-992200-0	
$3,000		City Supported Agencies-Control 101-834101-992200-0
$3,000	City Supported Agencies-Control 101-834101-992200-0	City Sup, Agencies-Police Ath. League 101-834101-960208-0

(ESTIMATED COSTS RELATED TO POLICE-FIRE FOOTBALL CHALLENGE TO BE HELD MAY 4, 1996. CONTRACT TO BE PREPARED BY CITY ATTORNEY'S OFFICE, WITH OVERSIGHT BY HUMAN RESOURCES AND COMMUNITY SERVICES DEPARTMENT.

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$150	Estimated Revenues-General Fund 101-0-170001-0	Police-Control 101-343201-992200-0
$150	Police-Control 101-343201-992200-0	Donations- DARE 101-343201-741879-0

(REVENUE DETAIL ACCOUNT 101-0-675010-0 DONATIONS-DARE. RECEIVED FROM ST. LAWRENCE

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HOSPITAL FOR DARE ACTIVITIES.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$50,000	Police-Uniform Salaries 101-343251-702000-0	Police-Control 101-343201-992200-0
$50,000	Police-Control 101-343201-992200-0	Capital Improvements-Control 101-933901-992200-0
$50,000	Capital Improvements-Control 101-933901-992200-0	Operating Transfers-410 Fund 101-933901-991410-0
$50,000	Estimated Revenues-Infrastructure 410-0-170001-0	Southside Precinct-Equipment 410-933690-977000-43821

(ESTIMATED COSTS FOR REMAINING PROJECTS AT SOUTH SIDE PRECINCT. KITCHEN INSTALLATION AND EQUIPMENT, ESTIMATED AT $31,600; TOMMY LIFT FOR HANDICAPPER ACCESSIBILITY ($10, OOO INCLUDING INSTALLATION) . BALANCE OF FUNDS TO COVER MOVING COSTS AND MISCELLANEOUS EXPENSES. SOME CHARGES TO POLICE ACCOUNTS TO BE RECLASSIFIED. REVENUE DETAIL ACCOUNT 101-696101-0, OPERATING TRANSFERS, GENERAL FUND.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$384,200	Sewage Fund-CSO Construction 590-453670-973000-0	
$1,689,050	Sewage Fund-Retained Earnings 590-0-395001-0	
$2,073,250		Sewage-Oper. Trans. CSO 590-453670-991593-0
$384,200	Stormwater Fund-CSO Constr. 230-453684-973101-0	
$1,689,050	Stormwater Fund-Fund Balance 230-0-390001-0	
$2,073,250		Estimated Rev. (Sewage) CSO 593-0-170001-0
$2,073,250	Estimated Rev. (Sewage) CSO 593-0-170001-0	
$2,073,250	Estimated Rev. (Storm) CSO 593-0-170001-0	
$417,450		CSO Local Contrib. Change Orders 593-453682-973001-61230
$450,000		CSO Ph.2/Seg.3 Res. Engineering 593-453682-743702-61231
$3,279.50		CSO PH. 2/SEG.3 CONSTR. 593-453682-974100-61231

(APPROVED BUDGET ASSUMED STATE REVOLVING LOAN FUNDS (SRF) WOULD BE AVAILABLE FOR SPRING, 1996 PROJECTS. THE FEDERAL BUDGET IMPASSE HAS CURRENTLY RESULTED IN SUCH FUNDS NOT BEING AVAILABLE. IT IS PROPOSED TO CASH FUND PROJECTS, PENDING FEDERAL AUTHORIZATION, SO THAT PROJECTS CAN PROCEED ON SCHEDULE. REIMBURSEMENT WILL BE SOUGHT IF SRF FUNDS BECOME AVAILABLE. REVENUE DETAIL ACCOUNTS 593-0-696590, OPERATING TRANSFERS-SEWAGE AND, 593-0-696230 OPERATING TRANSFERS-STORMWATER.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$112,500	Stormwater-CSO Design 230-453684-973201-0	Stormwater-Operating Trans. CSO 230-453684-991593-0
$112,500	Estimated Revenues-CSO 593-0-170001-0	CSO Design 593-453680-743700-61240

(BUDGETED FUNDS FOR CSO DESIGN BEING RANSFERRED TO PROJECT FUND FOR PHASE II, SEGMENT 4, CSO DESIGN. CITY HAS APPLIED FOR PARTIAL REIMBURSEMENT FROM STATE REVOLVING LOAN FUNDS. REVENUE DETAIL ACCOUNT 593-0-696230, OPERATING TRANSFERS-STORMWATER.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$4,554.45	Gen. Administration-Fringe Benefits 101-173901-715000-0	General Admin. -Control 101-173901-992200-0
$4,554.45	General Admin. -Control 101-173901-992200-0	City Market-Subsidy 101-834102-992200-0
$4.554.45	City Market-Subsidy 101-834101-992200-0	
$20,555.86	Est/ Rev.-General Fund 101-0-170001-0	
$1,392.17	City Market-Prof. Svcs 101-834102-743000-0	
$5,295.66		MARKET-MISC. & OPER. EXP .101-834102-741000-0
$ .61		Taxes & Assessments 101-834102-741860-0
$6,543.56		Contr. Services-Temp. 101-834102-743050-0
$14,662.65		Utilities 101-834102-744000-0

(INCREASED GENERAL FUND APPROPRIATION, PLUS ACTUAL AND ESTIMATED MARKET REVENUES FROM

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JANUARY 1, 1996, THROUGH JUNE 30, 1996, CREDITED AS FOLLOWS: A) 101-0-667004-0, RENT, $12,143.62; B) 101-0-653901-0, PARKING, $7,894; C) 101-0-667005, UTILITIES REIMBURSEMENT, $518.24. FUNDS TO SUPPORT MARKET OPERATIONS THROUGH JUNE 30, 1996. TEMPORARY HELP FUNDED THROUGH 4/6/96. JANITORIAL SERVICE FUNDED THROUGH 4/12/96.)

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #0161
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING IS PROPOSING ECONOMIC REDEVELOPMENT FOR BROWNFIELD PROPERTIES; AND

WHEREAS, THIS PROJECT IS CONSISTENT WITH THE CITY'S MASTER PLAN; AND

WHEREAS, THE SITES THAT WE ANTICIPATE APPLYING FOR ARE AS FOLLOWS:

HEATHERWOOD FARMS
DRAKE REFINERY
MOBIL STATION (HOLMES RD/MARTIN LUTHER KING JR. BLVD.)
(OLD) ESTES FURNITURE (TURNER)
SHELL GAS STATION (OAKLAND/PENNSYLVANIA)
NORTH STREET AND TURNER (TWO SITES)
BOY'S TRAINING SCHOOL
LINDELL DROP FORGE
FRIEDLAND COMPANY
CENTRAL GARAGE

WHEREAS, THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY HAS SITE ASSESSMENT GRANT FUNDING FOR ENVIRONMENTAL ASSESSMENTS AND/OR REMEDIAL INVESTIGATIONS OF CONTAMINATED SITES WITH ECONOMIC DEVELOPMENT POTENTIAL; AND

WHEREAS, THE CITY OF LANSING WILL UNDERTAKE THESE SITE ASSESSMENTS IF THE GRANT IS AWARDED; AND

WHEREAS, LENORA K. JADUN, P.E., PUBLIC SERVICE DIRECTOR IS THE AUTHORIZED PROJECT REPRESENTATIVE; AND ,

NOW, THEREFORE, BE IT RESOLVED THAT THE PUBLIC SERVICE DEPARTMENT SHALL BE AUTHORIZED TO APPLY FOR THE GRANT FUNDS.

BY COUNCILMEMBER BENAVIDES

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (COUNCILMEMBER BEAL ABSENT AND UNEXCUSED FOR THIS VOTE)

ABSENT: COUNCILMEMBER ALLEN

RESOLUTION #0162
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE LANSING COMMUNITY COLLEGE LADY STARS BASKETBALL TEAM WON THE 1996 NATIONAL JUNIOR COLLEGE ATHLETIC ASSOCIATION NATIONAL CHAMPIONSHIP BY BEATING DEFENDING CHAMPIONS KANKAKEE (ILLINOIS) COMMUNITY COLLEGE 74-68 LAST MARCH 23; AND

WHEREAS, THE LADY STARS, LED BY HEAD COACH ERVIN BRUNSON AND ASSISTANT COACHES MARK DEAN AND TRINA JONES, BEGAN THEIR QUEST FOR THE CHAMPIONSHIP BY TAKING ON GENESEE (NEW YORK) COMMUNITY COLLEGE IN THE FIRST ROUND, PULLING AWAY OVER THE COURSE OF THE GAME TO AN 82-61 WIN; AND

WHEREAS, THE NEXT RUNG OF THE LADDER WAS TO GET PAST THE TEAM FROM ELLSWORTH (IOWA) COMMUNITY COLLEGE AND, IN A TIGHT GAME THAT WAS IN DOUBT UNTIL THE LAST TEN MINUTES, THE LADY STARS CLAIMED VICTORY BY A SCORE OF 83-71; AND

WHEREAS, FACING THE 32-2 LADY CAVALIERS OF KANKAKEE FOR THE CHAMPIONSHIP, THE LADY STARS LED EARLY, BUT GAVE BACK POINTS LATE IN THE SECOND HALF, ONLY TO REGAIN THEIR COMPOSURE AND GO AHEAD FOR GOOD, FINISHING THEIR SEASON AT 24-10 AND BRINGING THE NATIONAL TROPHY TO LANSING; AND

WHEREAS, COACH BRUNSON EARNED NATIONAL COACH OF THE YEAR HONORS, AND LADY STAR EBONY DICKINSON WAS NAMED MOST VALUABLE PLAYER OF THE TOURNAMENT, IN ADDITION TO HER SELECTION ON THE ALL TOURNAMENT TEAM, JOINED BY LANSING'S LATRICIA GUNNELLS AND CARYN SHINN;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL, SITTING IN REGULAR SESSION THIS 8TH DAY OF APRIL, 1996, ON BEHALF OF THE PROUD CITIZENS OF THE CAPITAL CITY, HEREBY COMMENDS AND CONGRATULATES COACH BRUNSON AND THE NATIONAL CHAMPION LADY STARS OF LANSING COMMUNITY COLLEGE.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

COMMITTEE OF THE WHOLE DISCUSSION

BY COUNCILMEMBER BEAL

THAT THE COUNCIL DO NOW RESOLVE ITSELF INTO A COMMITTEE OF THE WHOLE TO CONSIDER THE FOLLOWING TOPICS:

CARRIED UNANIMOUSLY

AT THE DIRECTION OF PRESIDENT JONES ITEMS D. AND E. WERE PULLED FROM THE AGENDA AND REFERRED

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BACK TO THE COMMITTEE ON WAYS AND MEANS

A I-73/I-74 Coxrridor

Bob Johnson, Business Ombudsman to Mayor Hollister, said that eight (8) of the communities surrounding Lansing have adopted resolutions supporting this corridor. This highway would promote the benefits of the Free Trade Act and is being developed with the cooperation of the Federal Highway Administration, as well as the Michigan Road Builders Association. The cost to the State of Michigan would be only $2,000 per year. The highway would run along the east edge of Lansing, going through to I 27.

Councilmember Novak confirmed that the new highway would run through the I 27 Corridor.

Councilmember Lilly said that actual construction that would take place in Lansing is limited to the north side of town, additional construction will take place north of Clinton County at the Clinton/Gratiot line and south of I-94 where the new corridor will link Jackson with Toledo.

Council President Jones remarked that the new corridor would parallel 223.

Councilmember Leeman affirmed that the cost to the State of Michigan would be $2,000 per year because of subsidies from fund raising efforts.

COUNCILMEMBER ALLEN LEFT THIS MEETING OF THE LANSING CITY COUNCIL AT 8:15 P.M. AND WAS EXCUSED BY PRESIDENT JONES

B. CSO Construction Schedule

Public Service Department Director, Lenora Jadun introduced Linda Batiste from McNamee Porter and Seely, CSO Project Contractors, who presented an overview of the plans for upcoming summer CSO project construction. They are working on improved communications with the public, and to that end, they are announcing the implementation of a Hot Line phone number. If you have a complaint or request for information call 694-3944. They are in Phase II of Segment III with this year's construction. The areas under construction this year will be: Allen St. south of Elizabeth St., Marcus St. east of Clifford St., Kalamazoo St. west of Clifford St., Fairview Ave. south of Grand River Ave., Magnolia St. south of Grand River Ave. and in the area bounded by Grand River Ave., Vine St., Clemens Ave. and Merrill Street. Paving of the streets involved in last year's CSO Construction will be completed by the end of June 1996. Additionally they are completing construction began last year on Foster, Vine, Fernwood, Magnolia and Fairview streets.

In response to a question by Councilmember Beal regarding the eventuality of Tree Removal during the course of this year's construction, Mrs. Jadun reported that they have had an arborist working with the project on the front end of the planning. This is much earlier than the stage at which the arborist has been involved in the past. The determination as to whether tree removal is necessary depends on the width of the street. They would be happy to set up a meeting to discuss specific areas and their trees.

Councilmember Beal asked when construction would begin on the area between Grand River and Saginaw.

Mrs. Jadun responded that the sub-contractors have not given them a schedule for this area yet, but it should be available within the next few weeks.

Councilmember Beal asked Mrs. Jadun to make sure that special care is taken to see that large machinery is not being operated in areas near where school children are en route to and from school at Fairview School. She requested that workers be scheduled to take their breaks between 8:30 and 9:00 A.M. and between 3:30 and 4:00 P.M. in order to ensure the safety of the children. There was an accident involving heavy machinery last year. Mrs. Jadun assured Councilmember Beal that they would take all precautions possible to minimize the impact on school children.

Councilmember Bauer stated her concern over the potential removal of more trees. She would like to see the Committee address Council on this issue.

Councilmember Novak announced that there will be a meeting on April 11th for anyone interested in either the CSO construction project, or any other construction projects in the City this year, that will have an impact on trees. He asked the representatives of McNamee, Porter & Seeley to review the construction that occurred last year on St. Joe by the Board of Water & Light substation. In this particular instance the sewer line was laid with no disturbance of the trees in the area. Did they do something different than we have done in other areas, and if so, can other areas be handled in the same way?

Council President Jones asked if the projects were being monitored to determine the length of time they run and if they are running over. Mrs. Jadun said that all of the projects are operated on a time frame for liquidated damages. They have had problems with certain contractors, but they know who those contractors are. Her Department feels that they are providing better quality services now than they have in past years. They will be mailing out a news letter to the residents who will be affected by this year's construction. The newsletters will contain a map of affected areas. Additionally this information will run on Channel 28.

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Councilmember Benavides asked if the Human Relations Department is monitoring the contracts to insure compliance with hiring standards. Mrs. Jadun responded affirmatively and said that a report on EOE hiring practices would be available by this Thursday.

Councilmember Leeman asked Mrs. Jadun to make sure that residents in the CSO Construction areas were notified of any utility interruptions that may be necessitated by construction in advance. He volunteered to distribute fliers and educational materials door-to-door to residents. He reported receiving a complaint from a resident on Foster Ave. of additional work being done on some residents driveways at the City's expense. Ms. Batiste said that addition work is done in some cases, but it is at the resident's expense, not the City's. All residents have the opportunity to have additional paving done, but they must pay for it themselves.

Councilmember Novak complimented Mrs. Jadun on the quality of work she has been doing on this extremely difficult project.

Ms. Batiste distributed a report on the financial needs of the project over the next three years, along with a map of construction areas.

C. Financial Overview

Robert Swanson, Director of the Finance Department, presented a overview of the City's financial outlook for the next year. According to Mr. Swanson the City has three major revenue sources; Income Tax (28.1%); Property Tax (27.8%); and State Shared Revenues (21.5%). In six of the seven years prior to 1994 the City of Lansing raised it's property tax rates. In past years Property Tax was the primary source of City revenues, however, this year the primary source of revenues will be Income Tax. The City's property tax base has been artificially constrained so that it cannot grow. It is set at the inflation rate, or 5% of the cap, whichever is less. Property tax revenues will grow at less than the rate of inflation. State shared revenues has shown a pattern of consistent growth over the last few years. In the last ten years they have grown by 75% and are expected to grown by 10% this year. There is a movement to decentralize revenue sharing and put it on a per capita basis. This movement would benefit the suburbs, but hurt the cities. Currently, the economy is very strong and he expects this to continue through 1997. There are concerns for the future; City income tax may be volatile and subject to changes in the economy. Overall the General Fund Increase for 1997 is just under 4.2%. The CDBG budget assumes 100% of Federal Funding to be available. If Congress fails. to pass the CDBG funding, or if State Shared Revenues are decentralized, we could have some problems to deal with. ACT-51 funds will be down because of the Build Michigan Fund and because there has not been an agreement on an increase in the gasoline tax. The City has two new revenue funds, the CSO Revenue Fund and the Stadium Revenue Fund. The sale of green bags is down, and Mayor Hollister has proposed a pilot program for the use of carts to replace the green bags to keep the city viable in this market. The Parking System is producing the revenues needed to pay for the refinancing of the Parking System Bond. They are proposing an increase in monthly Parking Permits, however, it is the first increase in five years. The Sewer disposal system fund has recommended a 6% increase to meet the needs of the sewer fund. This will be a strong year ahead, and yet we are only looking at 4% growth.

Councilmember Novak noted that the it appears that the revenues that the City relies on are becoming more cyclic in nature and more subject to changes in the economy. This makes it more important to have a fully funded rainy day fund. He asked Mr. Swanson if the Income Tax projections take into account probable General Motors lay offs and lay offs by the hospitals. Mr. Swanson answered in the affirmative and added that most of the GM layoffs would be FY 1998 issues. Councilmember Novak asked what percentage of property tax increases will come from new construction and what percentage will come from incremental increases. Mr. Swanson answered that approximately $31,000,000 out of $1,600,000,000 would come from new construction. Councilmember Novak asked that Mr. Swanson prepare a breakdown for what percentage of income tax revenues come from residents and what percentage come from non-residents. He asked that a projection be prepared for budget wrap up as to what the total General Fund revenue levels will be, over the course of the next 6 years, and of historical increases in spending in terms of employees, and project those out for historical growth rates over the same 6 year period. His concern is that the City will not have sufficient infrastructure spending to maintain certain properties held by the City over the next election cycle.

Mr. Swanson indicated his willingness to accommodate Councilmember Novak's request, but asked him to bear in mind that no financial forecasting agency in the Country today would look three years to the future, let alone 6 years. The Budget Stabilization Fund is a very important component of the City's financial situation. They are projecting a $2,000,000 budget surplus for this year, 25% of which will go into the Budget Stabilization Fund.

Councilmember Lilly stated that Council should adopt a resolution making such a designation. That 25% of the Budget Surplus be designated to the Budget Stabilization Fund. He asked for a report showing amounts of estimated revenues by categories for enhanced enforcement activities and a report of fee changes by categories. He asked Mr. Swanson if there were

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any 'red flags' that he is concerned about.

Mr. Swanson said that overall, he is comfortable with FY 1997 but repeated his concern over the possibility of changes in the methodology used for state revenue sharing and over the continuing debate over the Federal Budget. The economy looks strong and should remain so through FY 1998, however, we have had a substantial number of years of growth and should expect a down turn at some point in the future, possibly in 1998 or 1999. Fiscal year 1997 and 1996 will be very good economic years for the City.

Councilmember Lilly asked Mr. Swanson what he foresees for ACT-51 Funding. Mr. Swanson responded that he looks forward to a decision on the gas tax sometime in the fall of next year.

Councilmember Benavides asked for a report on delinquent taxes.

Councilmember Leeman asked why the revenues from recreational fees were off so much from the projected forecast for FY 95/96. Mr. Swanson said that he would try to have an answer to that by the Budget Meeting this Thursday.

Councilmember Bauer asked what types of revenues were included under the heading of "Donations and Other Income." Mr. Swanson reported that it is mostly donations like those from the DARE Program, but also Equity Transfers in the Sewer System, State Reimbursements for Fire Fighter overtime, etc.

D. Kerith Michelle Lee v City of Lansing

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCIL PRESIDENT JONES

E. Request for Indemnification for Tim Poxson

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCIL PRESIDENT JONES

F. Selecting a Topic for the April 29, 1996 Town Hall Meeting

Councilmember Benavides suggested that the topic for discussion at the April 29, 1996 Town Hall Forum/City Council meeting be on the Budget.

Councilmember Beal objected to Member Benavides' suggestion. The Budget Hearing will be held at the following meeting on May 6, 1996, additionally, Council is holding televised Budget meetings with call in capabilities. These would seem to her to be sufficient for discussion of the Budget. She prefers to follow the schedule the was submitted at the first of the year.

Councilmember Lilly agreed with the statements made by Member Beal and said that the topic, according to the previously agreed upon schedule would be Neighborhood Revitalization.

It was the consensus of Councilmembers that the topic of the April 29th Town Hall Forum/City Council meeting will be Neighborhood Revitalization.

By Councilmember Beal

That the Committee of the Whole do now rise

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a request that the rules be suspended to allow for a Special Ceremony for Friends of Fenner Arboretum to present a Check to Mayor Hollister

THE RULES WERE SUSPENDED AND MAYOR HOLLISTER ACCEPTED A CHECK FROM FRIENDS OF FENNER ARBORETUM DURING A SPECIAL CEREMONY

2. From Councilmember Beal; a Resolution for Grant Acceptance

HANDLED AS RESOLUTION #0161

3. From Councilmember Lilly; a Resolution for passage during the Special Ceremony Tribute to the Lansing Community College Lady All Stars

HANDLED AS RESOLUTION #0162

PUBLIC COMMENTS

Mickey Szilagyi of 15615 Upton Rd. in East Lansing stated that he is a Sergeant in the Lansing Police Department. He is concerned about the changes in LPD since the Police Department reorganization. They seem to be abandoning traditional police techniques. Some of these techniques are very valuable to investigative officers. He has been on the force for 22 years and has contributed a lot to many different programs, including the community policing effort which is receiving so much attention right now. However, methods of investigation are going down the tubes and systems that have been put into place to facilitate investigations are not being used. They need to utilize the systems for evidentiary gathering that they have in their possession. Additionally, he feels that Lansing is too small to have a divided Police Precinct. We only need one Police Department. He asked Council to look into the issues he has raised. Councilmember Leeman called for a response from the Chief of Police.

Paul Scott of 412 W. Kilborn spoke regarding the preservation of a historic structure located at 808 N. Cedar Street. He added his concerns over the changes in LPD to those of Sergeant

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Szilagyi. There is no leadership being provided by the Board of Police Commissioners, which as a Body, has only one less power than City Council. He urged the Board to take an active leadership role, or to get out of the way.

Lloyd Teets of 116 E. Elm St. said that he, too, is concerned about the reorganization of the Police Department. He objected to the amount of time that Council devoted to the CSO Project Construction schedule tonight. Council has nothing to do with the construction schedule, yet, they did nothing about the reorganization of the Police Department. They do not understand what their fiduciary duties are. They must stay out of administrative functions. He spoke regarding a debate he engaged in with Councilmember Novak regarding increases in income taxes.

Bernie Meissner of 635 LaSalle said that at a meeting of MOST (Majority Opposed to Special Treatment) they determined that they have collected 2,500 signatures on their petitions to overturn the Civil Rights Ordinances. They only need 1,500 more signatures to meet the minimum and they have 8 more days in which to collect them. He appealed to everyone who objects to these two ordinances to sign a petition, and to everyone who has petition to circulate to get out and get their signatures. They will have notary's available to certify the signature of the circulators. Petitions may be signed at 300 N. Grand Ave. and at 2300 N. Waverly Rd. at Marantha Baptist Church or interested parties can call 887-SAVE. Petitions should be delivered to MOST at the Foster Community Center by next Monday Evening. His home phone Number is 485-8420 if anyone should need to contact him at home.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked everyone who mad the Opening Week of the Lugnuts Oldsmobile Park such an overwhelming success, and to everyone who participated in the opening of Elbinger Studio in North Lansing. She reported that the Intergovernmental Relations Committee will meet Thursday for further discussion on the library issue.

Councilmember Leeman thanked his colleagues, their staff, and the administration for allowing He, and Councilmember Bauer to serve on Council. Tomorrow is their 100 day anniversary at a very challenging position. He thanked the Public Service Department for dealing with the parking issue on Shiawassee Street. He urged the Public Safety Committee to make sure that safety concerns are being met with regard to the fire works display.

Councilmember Novak denied having made remarks regarding increases in income taxes that were attributed to him by Mr. Teets. What he actually said is that increases in City Income taxes would require the approval of the legislature.

Council President Jones commended the employees of Oldsmobile Park, including the ushers.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Liza Estlund-Olson said that the discharge of Fireworks at Oldsmobile Park has been through the entire safety inspection program. They are being discharged under the proper procedures. They have even set up specific procedures for displays at Oldsmobile Park.

She reported that all of the free handouts available to the Mayor were distributed on Friday at the opening game. Commemorative programs are still available at a charge of $5.00. She thanked the 40 members of the Grand Opening Celebration Committee. All three events were very successful with more than 15,000 people participating.

ADJOURNED 10:30 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS APRIL 15, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Leeman, Lilly, Novak

ABSENT: Councilmember Jones

The Invocation was led by Councilmember Leeman and the Pledge of Allegiance was led by the Color Guard of the Boys and Girls Club

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of June 26 and July 5, 1995

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Leeman

To accept the following under suspension of the rules:

1. From Councilmember Leeman; Petition submitted by the North Lansing Community Association, signed by 111 people requesting the installation of a Left Turn Signal at the intersection of Northeast St. and Douglas

2. From Councilmember Leeman; a letter from the Public Service Board submitting the Seven Year Road Program Update

SPECIAL CEREMONIES

A. Ruth Hallman reported that on April 14, 1996 at Grace Lutheran Church they held a ceremony in recognition of special landlords in their neighborhood who have gone over and above the line of duty to help people and to improve their neighborhood. Awards were presented to Jim Epps, Debbie Mulcahey, Sam Nealy, and Mark Yepco.

B. Mayor Hollister presented a Proclamation to Jamie McAllister of the Boys & Girls Club

SCHEDULED PUBLIC HEARINGS

A. In Consideration of an Amendment to Chapter 206, the Purchasing Ordinance, for the purpose of requiring the Evaluation of a Bidder's Commitment to the Hiring of City Residents in determining the Lowest and Most Responsible and Responsive Bidder; to Establish an Annual Goal for the participation of Minority, Women and Handicapper Business Enterprises in City Procurement Contracts and to Establish a Bid Preference for Lansing based Bidders and Offerors

David Wiener, Executive Assistant to Mayor Hollister explained that this amendment has been in process for about 1 ½ years. It will provide preference for locally based businesses in contracting with the City of Lansing. Businesses that have 25 or more City of Lansing Residents will be given an opportunity to change their bids on projects to allow them to come in at a lower bid than originally submitted. Additionally, Lansing based Businesses who bid on projects and are within 5% of the lowest bid will be awarded the bid. Lansing based bidders who are within 3% of the lowest bid will have the opportunity to change their bid to come in lower. The goal is to have 20% of all contracts go to minority owned businesses, women owned businesses, or Lansing based businesses.

Robert Bennett of 222 W. Saginaw spoke in support of this ordinance, saying, it is good for the City's image.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

B. In consideration of the City's Proposed Annual Consolidated Strategy and Plan Submission, Including the Budget for Community Development Resources for FY 1996-97

Emil Winnicker of the City of Lansing Development division of the Planning and Neighborhood Development Department said that the City is in the second year of a five year consolidated plan, originally approved by

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Council last year. There is material available for public review showing projects that will be undertaken with this plan.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND THE COMMITTEE ON WAYS AND MEANS

ITEM VI C, PUBLIC HEARING IN CONSIDERATION OF AN AMENDMENT TO ADD A NEW CHAPTER, CHAPTER 1050 FOR THE PURPOSE OF PROVIDING FOR THE HEARING OF APPEALS FROM CHARGES OR FEES, WITHOUT FIRST REQUIRING PREPAYMENT OF THE SAME, WAS PULLED FROM THE AGENDA AT THE REQUEST OF THE CITY CLERK. (THIS ITEM WAS SCHEDULED FOR A PUBLIC HEARING ON MAY 13, 1996 NOT APRIL 15).

C. In consideration of the Issuance of Make-safe or Demolish orders for the following Properties:

-226 S. Hosmer
-230 S. Hosmer
-522 W. Oakland
-131 Isbell
-1209 W. Ottawa (garage only)

Mary Houser of 6 Lawler Ct. said that she lives directly behind 522 W. Oakland. She also sits on the Old Forest Neighborhood Board. This property has been boarded up for approximately 4 years. It is owned by an absentee landlord who is unresponsive to the Code Compliance Officers. She asked Council to make sure that this property is demolished. They have had a lot of problems with kids and drug dealers entering this house illegally.

Henry Hernandez, Chief Code Compliance Officer reviewed the condition of the properties listed above and asked that the 131 Isbell property be pulled from this process as it has been brought into compliance as of today and noted that the 1209 W. Ottawa property is a "garage only" request. He asked that all of these properties, with the exception of 131 Isbell be given 60 day Make-safe or Demolish orders.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT

Council Vice-President Beal announced that, due to the large number of speakers present to address the issue of the Denial of the Petition to Rezone Z-16-95, 2700-3328 Trappers Cove, there will be a 2 minute limit on speaking time for this issue.

Dolores Maidlow-Kramer no address given, protested the shortening of her speaking time. She is here to oppose any rezoning of the Trappers Cove property. She read a letter that she mailed to the Planning Board concerning their lack of notification of their hearing process on this matter, and distributed copies of it to Councilmembers.

Ben McComb of 1505 Harding spoke in opposition to the rezoning of Z-16-95 because of it's impact on the sewer system which is near capacity.

Emly Horne, no address given, called for denial of the Petition to rezone Z-16-95. There are already too many fast-food places, gas stations, and hotels in this area. This was not the intended use for this area in the master plan.

Leonard Taylor of 2215 Awanna spoke in opposition to Z-16-95 for 2700-3328 Trappers Cove.

Lynn Densmore of 2910 Beaujardin spoke in opposition to the rezoning of 2700-3328 Trappers Cove.

Mary Houser of 6 Lawler Ct. spoke in support of the petitions, that were submitted as a late item, requesting the installation of a left turn lane at the intersection of Northeast St. and Douglas. This intersection has and obstructed view.

Robert Bennett of 222 W. Saginaw spoke in appreciation of the Lansing School District Public Library. He spoke in support of the resolution approving funding for the Housing Fair.

Lloyd Teets of 116 E. Elm St. spoke in opposition to the proposed change to Council rules. The City Charter guarantees any interested party the right to speak. However, tonight he was denied his right to speak during Public Hearings by a fascist president, because he did not sign in.

Elaine Chittenden of 2517 E. Cavanaugh spoke in opposition to Z-16-95 for the Trappers Cove property. She submitted petition signatures from 126 other residents in opposition to the requested rezoning.

Britta Bucklin of 3035 Trappers Cove spoke in

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opposition to any additional development in this area.

Kathy Randolph Back of 4013 Chickaree spoke in opposition to the rezoning of Z-16-95. She has had problems with crime in this area and has been told by the Police that it is because of the accessability to the neighborhood from the nearby highway. Traffic has become a problem in this area. Just this morning there was an accident at the intersection of Cavanaugh and Dunckel. Additionally, she is concerned over "light pollution."

John Peckham, representing the owners of the Z-16-95 property; the Markhams, and the Rose Co., said that the planning staff recommended approval of this request for rezoning. The Mayor concurred in the Planning Department and Planning Board recommendations. This rezoning is totally appropriate for this area, and furthermore, the project proposed would generate $100,000 in taxes per year to the City of Lansing. The owners of the Trapper's Cove development support this rezoning request. He assured Council that the wetlands would not be destroyed by this rezoning and that the trees would be preserved as much as possible.

Ben Williams of 2903 Manly Dr. spoke in opposition to Z-16-95 and to the proposed development. There is already too much traffic and too much development in this area. Council must act to retain the beauty of this area. The request for rezoning is inconsistent with the Forest View and South End Master Plan.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Z-05-96, S.W. Corner of S. Martin Luther King, Jr. Blvd and Mary Ave., Rezoning Petition from "F" Commercial and "J" Parking to "F" Commercial Districts filed by Wolverine Development to bring the Zoning into Compliance with the Current Site

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. Z-06-96, 206 E. Grand River Ave., Rezoning Petition from "F-1" Commercial to "G-1" Business District filed by Richard Karp of 123 ½ N. Magnolia to allow for Development of Parking

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Petition signed by 435 Residents requesting the installation of a left turn lane at the Intersections of Northeast St. and Douglas

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

D. Letter from Darryl Burgess of 1407 Prospect regarding the Sale of the Civic Center and the disposition of the Proceeds from the Sale

REFERRED TO COUNCILMEMBER LEEMAN

E. Postcard in Opposition to the Civil Rights Ordinance from William and Judith Bone of 805 Clark Rd.

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister stated that he had no comments at this time

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letter from the City Attorney re: Roy E. Jones v City of Lansing Inspection Housing Dept., et al

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1. Appointment of Vernon E. Moore to the Seven Block Citizens District Council; Term to Expire on June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2. Appointment of Rich Colby to the Board of Appeals; Term to Expire on June 30, 1997

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REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. Appointment of Denise A. Foltz to the Traffic Board; Term to Expire on June 30, 1997

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4. Reappointment of Ledora Gary to the Seven Block Citizens District Council; Term to Expire on June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5. Reappointment of Geneva Smith to the Seven Block Citizens District Council; Term to Expire on June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6. Reappointment of Elizabeth C. Duncan to the Seven Block Citizens District Council; Term to Expire on June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7. Reappointment of Fred Johnson to the Seven Block Citizens District Council; Term to Expire on June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

8. Reappointment of Mary Wrigley to the Seven Block Citizens District Council; Term to Expire on June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

9. Reappointment of Dianne Clark to the Seven Block Citizens District Council; Term to Expire on June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

10. Reappointment of James Ballard to the Seven Block Citizens District Council; Term to Expire on June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

11. Appreciation letter from Dansville Elementary School regarding Oldsmobile Park

RECEIVED AND PLACED ON FILE

12. Letter of appreciation to Sgt. LRoy Green from Pat Arbour, Greater Lansing Convention & Visitors Bureau

RECEIVED AND PLACED ON FILE

13. Letter of Appreciation regarding Oldsmobile Park from Scott Durren, II

RECEIVED AND PLACED ON FILE

14. Transfer of Funds: Planning & Neighborhood Development and Police Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

15. Z-1-96; 1405 Center Street

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

16. Z-2-96; Vacant Lots, Southwest Corner Oakland and Cedar Street

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

17. Acquisition of 2619 E. Mt. Hope

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

18. Board Evaluation; Public Service Board re: Public Service Department

REFERRED TO THE COMMITTEE OF THE WHOLE (FOR PUBLIC SERVICE DEPARTMENT BUDGET HEARING)

19. Letter of Interest, Transportation Study Grant

REFERRED TO THE COMMITTEE OF THE WHOLE (FOR PUBLIC SERVICE DEPARTMENT BUDGET HEARING)

CONSENT MATTERS

By Councilmember Lilly

To place an affirmative roll on the Consent Agenda Items

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

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NAYS: 1 (Councilmember Leeman dissenting)

ABSENT: Councilmember Jones

By Councilmember Leeman

To reconsider the vote on passage of the Consent Agenda Items

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Leeman, Novak

NAYS: Councilmembers Beal, Benavides, Lilly

RESOLUTION # 0163
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated a total of $43,000 in the FY96 General Fund Budget to the Community Promotions Account, for the purpose of assisting with the expenses of large community-oriented events; and

WHEREAS, the Committee on General Services has reviewed several requests for payment of such expenses from groups organizing events open to the general public; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes charges to account #101-112101-741200-0 as follows:

North Lansing Community Association – $500 to cover Showmobile and park use

Downtown Lansing Car/Capitol Celebration – $914.77 to cover Showmobile use

Neighbors United in Action – unknown to cover Showmobile use June 7, 1996

AND BE IT FURTHER RESOLVED the Clerk is requested to forward this resolution to the Finance Director for action.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Leeman dissenting)
ABSENT: Councilmember Jones

RESOLUTION #0164
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Harold F. Roth has applied to the Michigan Liquor Control Commission to transfer the location of a 1993 Class C licensed business with Dance-Entertainment Permit, located in escrow at 2004 North Larch Street, to 420-428 East Michigan Avenue; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE TT RESOLVED by the Lansing City Council that the request from Harold F. Roth to transfer the location of a 1993 Class C licensed business with Dance-Entertainment Permit, located in escrow at 2004 North Larch Street, to 420-428 East Michigan Avenue, is hereby recommended for approval.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Leeman dissenting)

ABSENT: Councilmember Jones

RESOLUTION #0165
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Carolay, Inc. (Stockholder: Daniel E. Baker, 2543 Kodiak, East Lansing), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1991 Class C licensed business with Dance Permit, located in escrow at 533-535 East Michigan Avenue, from Joe Covello's Lounge, Inc., and to transfer location to 2525 East Jolly Road, currently doing business as Poppa Leo's Pizza; and

WHEREAS, the City Clerk has reported that the

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application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Carolay, Inc., to transfer ownership of a 1991 Class C licensed business with Dance Permit, located in escrow at 533-535 East Michigan Avenue, from Joe Covello's Lounge, Inc., and to transfer location to 2525 East Jolly Road, currently doing business as Poppa Leo's Pizza, is hereby recommended for approval.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Leeman dissenting)

ABSENT: Councilmember Jones

RESOLUTION #0166
BY THE COMMITTEE ON
INTERGOVERNMENTAL AFFAIRS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing is interested in joining with the County of Ingham, other local units of government within Ingham County and with the School Board for the District of Lansing to establish a District Library pursuant to 1989 PA 24; and

WHEREAS, interest has been expressed by the City and by other local units of government and the Lansing School District concerning the formation of a District Library Planning Committee for the purpose of studying and analyzing the feasibility of a District Library Agreement and, if determined by the Committee that such an Agreement is feasible, preparing a recommended Agreement; and

WHEREAS, any such recommended District Library Agreement will be submitted to the governing bodies of participating local units of government and school districts for approval pursuant to 1989 PA 24; and

WHEREAS, the City of Lansing deems it in the best interest of the City and its residents that a District Library Planning Committee be formed and that individuals be appointed as members to such committee to represent the City of Lansing;

NOW, THEREFORE, BE IT RESOLVED, that City of Lansing participation in a District Library Planning Committee to be formed with other local units of government and school boards is hereby authorized; and

BE IT FURTHER RESOLVED that two representatives from the City of Lansing shall be appointed as members to the District Library Planning Committee; and

BE IT FURTHER RESOLVED that the Mayor shall make such appointments subject to the advice and consent of the City Council; and

BE IT FURTHER RESOLVED that the authority of the City of Lansing appointments to the District Library Planning Committee shall be limited to the development of a recommended District Library Agreement and that any such agreement shall be submitted to the Lansing City Council for approval.

BE IT FINALLY RESOLVED that the work of the District Library Planning Committee be completed no later than August 1, 1996.

By Councilmember Lilly

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Leeman dissenting)

ABSENT: Councilmember Jones

RESOLUTION #0167
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Whereas, the City of Lansing and the Lansing Public School District are currently considering the purchase of new radio systems during the coming year; and

Whereas, it is in the interest of the City and the School District to cooperate in purchasing where it would result in a savings to each; and

Whereas, the City's Purchasing Ordinance

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PROVIDES FOR INTERGOVERNMENTAL PURCHASING ARRANGEMENTS; AND

THEREFORE, BE IT RESOLVED, THAT THE ADMINISTRATION BE ASKED TO REPORT BACK TO COUNCIL WITHIN 30 DAYS UPON THE FEASIBILITY OF JOINT PURCHASING ARRANGEMENTS FOR THE RADIO AND OTHER COMMUNICATIONS SYSTEMS AND TO IDENTIFY OTHER AREAS WHERE JOINT PURCHASING ARRANGEMENTS WITH THE SCHOOL DISTRICT CAN BE BENEFICIAL TO BOTH PARTIES.

BY COUNCILMEMBER LILLY

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (COUNCILMEMBER LEEMAN DISSENTING)

ABSENT: COUNCILMEMBER JONES

RESOLUTION #0168
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE WOMEN'S WORKFORCE COALITION WILL HOLD A "WOMEN'S WORKFORCE DAY" MARCH AND RALLY AT THE CAPITOL ON APRIL 26, 1996; AND

WHEREAS, THE GOAL OF THIS EVENT IS TO CREATE A BETTER WORKING ENVIRONMENT FOR ALL WOMEN, WHILE CALLING ATTENTION TO WORKPLACE GENDER BIAS, UNEQUAL PAY, RACIAL HARASSMENT, VIOLENCE AGAINST WOMEN, SEXUAL HARASSMENT, HOSTILE WORK ENVIRONMENTS, AND ANY OTHER FORM OF HARASSMENT WOMEN HAVE BEEN FORCE TO ENDURE; AND

WHEREAS, SEVERAL GUEST SPEAKERS WILL HIGHLIGHT THE IMPORTANCE OF THESE ISSUES TO ELIMINATE GENDER DISCRIMINATION IN OUR SOCIETY; AND

WHEREAS, THE INTENT OF THE ORGANIZERS IS TO MAKE WOMEN'S WORKFORCE DAY AN ANNUAL NATIONALLY-RECOGNIZED EVENT;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY EXPRESSES ITS SUPPORT FOR THE GOALS AND OBJECTIVES OF WOMEN'S WORKFORCE DAY ON APRIL 26, 1996.

BY COUNCILMEMBER LILLY

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (COUNCILMEMBER LEEMAN DISSENTING)

ABSENT: COUNCILMEMBER JONES

RESOLUTION #0169
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, LANSING RESIDENT RICHARD CHRISTMAS HAS BEEN VERY ACTIVE FOR MANY YEARS HELPING ELECTED OFFICIALS AND THE PUBLIC AT LARGE REMEMBER THE FEATS AND ACCOMPLISHMENTS OF THE UNITED STATES SPACE PROGRAM; AND

WHEREAS, BASED MOSTLY ON MR. CHRISTMAS' EFFORTS, IN 1976 PRESIDENT GERALD R. FORD PROCLAIMED JULY 20, 1976, AS SPACE EXPLORATION DAY; AND

WHEREAS, THE 20TH ANNIVERSARY OF SPACE EXPLORATION DAY COMES ON JULY 20, 1996, WHICH IS ALSO THE 27TH ANNIVERSARY OF THE FIRST HUMAN FOOTSTEPS ON THE SURFACE OF THE MOON;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY COMMENDS AND CONGRATULATES RICHARD CHRISTMAS FOR HIS MANY YEARS OF HARD WORK AND DEDICATION TO THE UNITED STATES SPACE PROGRAM.

BY COUNCILMEMBER LILLY

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (COUNCILMEMBER LEEMAN DISSENTING)

ABSENT: COUNCILMEMBER JONES

RESOLUTION #0170
RESOLVED BY CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING IS PROPOSING A DEVELOPMENT OF AN ENTERTAINMENT DISTRICT IN THE DOWNTOWN; AND

WHEREAS, ONE PROJECT OF THE ENTERTAINMENT DISTRICT IS THE COMMERCIAL DEVELOPMENT OF A SPORTS BAR/RESTAURANT AND PUBLIC PARKING LOT ON 636 E. MICHIGAN AVENUE; AND

WHEREAS, THIS PROJECT IS CONSISTENT WITH THE CITY'S MASTER PLAN; AND

WHEREAS, THE SITE IS THE OLD ACTION AUTO

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PROPERTY AND HAS AREAS OF SOIL CONTAMINATION; AND

WHEREAS, THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY HAS SITE ASSESSMENT GRANT FUNDING FOR ENVIRONMENTAL ASSESSMENTS AND/OR REMEDIAL INVESTIGATIONS OF CONTAMINATED SITES WITH ECONOMIC DEVELOPMENT POTENTIAL; AND

WHERE, THE CITY OF LANSING WILL UNDERTAKE THE SITE ASSESSMENT IF THE GRANT IS AWARDED; AND

WHEREAS, LENORA K. JADUN, PUBLIC SERVICE DIRECTOR, IS THE AUTHORIZED PROJECT REPRESENTATIVE; AND

NOW, THEREFORE, BE IT RESOLVED THAT THE PUBLIC SERVICE DEPARTMENT SHALL BE AUTHORIZED TO APPLY FOR THE GRANT FUNDS.

BY COUNCILMEMBER LILLY

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (COUNCILMEMBER LEEMAN DISSENTING)

ABSENT: COUNCILMEMBER JONES

RESOLUTIONS

RESOLUTION #0171
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
Z-16-95
DENIAL OF ZONING MAP AMENDMENT
FOR THE TRAPPER'S COVE APARTMENT COMPLEX
FROM "COMMUNITY UNIT PLAN" TO
"DM-1" RESIDENTIAL DISTRICT AND
"F" COMMERCIAL DISTRICT

WHEREAS, MARTIN PROPERTY DEVELOPMENT, INC. REPRESENTING EDWARD ROSE REALTY, 6100 NEWPORT ROAD, KALAMAZOO, MI 49003, OWNER, HAS REQUESTED A ZONING MAP AMENDMENT FOR THE TRAPPER'S COVE APARTMENT COMPLEX(LOCATED AT THE SOUTH WEST QUADRANT OF US-127/I-496 AND DUNCKEL ROAD IN LANSING) FROM "COMMUNITY UNIT PLAN" TO "DM-1" RESIDENTIAL DISTRICT AND "F" COMMERCIAL DISTRICT; AND

WHEREAS, THE PLANNING BOARD HELD A PUBLIC HEARING ON TUESDAY, NOVEMBER 7, 1995, AT WHICH TIME MR. JOHN PECKHAM OF MARTIN COMMERCIAL PROPERTIES AND MR. JERRY SPEEDY OF EDWARD ROSE REALTY SPOKE IN FAVOR OF THE PETITION AND NO ONE SPOKE IN OPPOSITION TO IT; AND

WHEREAS, THE PLANNING BOARD, AT THEIR MEETING OF JANUARY 9, 1996, REVIEWED THE PETITION AND UNANIMOUSLY (7-0) RECOMMENDED APPROVAL OF THE PETITION; AND

WHEREAS, THE APPROVED MINUTES OF SAID PLANNING BOARD MEETING ARE ON FILE IN THE CITY CLERK'S OFFICE; AND

WHEREAS, THE LANSING CITY COUNCIL HELD A PUBLIC HEARING ON MONDAY, FEBRUARY 26, 1996, AT WHICH TIME THREE PERSONS SPOKE IN OPPOSITION TO THE PETITION; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING OF COUNCIL HAS REVIEWED THE PETITION AND THE REPORT OF THE PLANNING BOARD AND HEARD FROM MR. JOHN PECKHAM ON BEHALF OF THE PETITIONER AND MEMBERS OF THE PUBLIC; AND

NOW THEREFORE BE IT RESOLVED THE COUNCIL OF THE CITY OF LANSING HEREBY DENIES THE REQUEST OF MARTIN PROPERTY DEVELOPMENT, INC. REPRESENTING EDWARD ROSE REALTY, INC. (OWNER) FOR A ZONING MAP AMENDMENT (Z-16-95) FOR THE TRAPPER'S COVE APARTMENT COMPLEX FROM "COMMUNITY UNIT PLAN" TO "DM-1" RESIDENTIAL DISTRICT AND "F" COMMERCIAL DISTRICT.

BY COUNCILMEMBER LILLY

TO AMEND THE RESOLUTION BY ADDING THE FOLLOWING LANGUAGE PRIOR TO THE NOW THEREFORE BE IT RESOLVED PARAGRAPH:

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING ALSO CONSIDERED EVIDENCE THAT THE REQUESTED REZONING WOULD HAVE AN ADVERSE IMPACT ON TRAFFIC CONDITIONS IN THE AREA AND WOULD ALSO ADVERSELY IMPACT THE ENVIRONMENT; AND

WHEREAS, THE COMMITTEE ALSO RECEIVED A PETITION SIGNED BY MANY INDIVIDUALS IN THE SURROUNDING NEIGHBORHOOD IN OPPOSITION TO THE PROPOSED REZONING;

AND, TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED

BY COUNCILMEMBER NOVAK

TO REFER THIS ISSUE BACK TO THE COMMITTEE ON DEVELOPMENT AND PLANNING TO EXPLORE THE POSSIBILITY OF A COMPROMISE

MOTION FAILS BY THE FOLLOWING VOTE:

YEAS: 1 (COUNCILMEMBER NOVAK ASSENTING)

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NAYS: 6

Councilmember Lilly's Motion for affirmative roll on the amended resolution was

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Novak dissenting)

ABSENT: Councilmember Jones

ITEM XIII B, RESOLUTION APPROVING AMENDMENT TO COUNCIL RULES #17 AND #19 WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BENAVIDES AND REFERRED BACK TO THE COMMITTEE ON GENERAL SERVICES

RESOLUTION #0172
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing Housing Fair has been scheduled for 9 AM to 3 PM on April 27, 2996, at the Lansing Center, for the promotion of home ownership, schools and neighborhoods; and

WHEREAS, the goal of the Lansing Housing Fair is to increase home ownership in the City of Lansing through effective education on how financing for homeowners may be obtained; and

WHEREAS, the Lansing City Council hereby finds that the promotion of home owner-ship is a noteworthy goal, and is in the best interest of the public; and

WHEREAS, estimated expenditures equal $22,000, to be offset with revenues from sponsorships, donations, and booth rentals in the estimated amount of $14,000 plus an additional $2,000 from the City of Lansing Development Office; and

WHEREAS, in addition to the expenses delineated above the City Council desires to reimburse the Housing Resource Center for coordinating this event and for serving as the fiduciary agent for purposes of receiving funds and making disbursements;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the City Attorney to prepare and execute an agreement with the Housing Resource Center to coordinate the events and activities for this program and to act as a fiduciary agent for purposes of receiving and disbursing funds in accordance with appropriate procedures; and

BE IT FURTHER RESOLVED the City Council approves the payment of $3,000 from the appropriate account to the Housing Resource Center as reimbursement for work in coordinating and managing the 1996 Housing Fair; and

BE IT FINALLY RESOLVED the City Council hereby agrees to reimburse the Housing Resource Center, in an amount not to exceed $10,000, for any shortfalls between expenses incurred and revenues received relating to the 1996 Housing Fair.

By Councilmember Leeman

to place an affirmative roll on the resolution

By Councilmember Novak

To amend the resolution by correcting the first paragraph to say that the Lansing Housing Fair has been scheduled for 9 AM to 3 PM on April 27, 1996, and place an affirmative roll on the resolution as amended

Carried unanimously

ITEM XIII D, RESOLUTION ADOPTING RULES FOR STORMWATER BILLS AND MAKING THEM RETROACTIVE TO 12-01-95, WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER LEEMAN

CONSIDERATION OF LATE ITEMS

1. From Councilmember Leeman; Petition submitted by the North Lansing Community Association, signed by 111 people requesting the installation of a Left Turn Signal at the intersection of Northeast St. and Douglas

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

2. From Councilmember Leeman; a letter from the Public Service Board submitting the Seven Year Road Program Update

REFERRED TO THE COMMITTEE OF THE WHOLE FOR BUDGET WRAP UP

MOTION OF EXCUSED ABSENCE

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By Councilmember Novak

To excuse Councilmember Jones from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

Emly Horne, no address given, announced the formation of a Northeast Neighborhood Alliance group that will represent all of Ward 2, and part of Ward 1. She urged all residents of the involved areas to participate in their meetings.

Tom Woods of 1701 W. Kalamazoo, a member of the Library Advisory Board, spoke regarding; the funding cuts libraries have suffered, alternative means of support for them and attempts to put together a regionally funded library.

Lloyd Teets of 116 E. Elm St. congratulated Councilmember Bauer for voting in opposition to the Council rule change. He protested the fact that both items on tonight's agenda dealing with the Stormwater Enterprise Fund were pulled from the agenda and the public did not have an opportunity to comment on them earlier In the meeting.

Russell Smith of 403 Rosadel asked to have the parking issue on Rosadel revisited. The resolution that was passed does not allow for residents who may have delivery men, or contractors coming to their homes, who need a place to park. The resolution was intended to prevent hospital staff from taking up all available parking in the neighborhood, not prevent the residents from using the parking on their streets. He had a contractor coming to his house to do some work for him and this man received a parking ticket. The ticket number is 03898106. He asked Council to make sure the ticket is canceled and to change the parking prohibition on his street to limit parking to 2 hours.

Ed Simmer of 2609 Dier said that they are still having problems with people dumping trash at the Conrail RR right of way. The trash is now nearly as tall as he is.

Helen Fiser, no address given, spoke in opposition to the rain tax (Stormwater Enterprise Fund fees).

Robert Johnson of 5723 Ridgewood warned City Council that they must revisit the rain tax (Stormwater Enterprise Fund fees) issue. He announced his candidacy for re-election to the Board of County Commissioners.

COUNCILMEMBERS COMMENTS

Councilmember Allen confirmed the regularly scheduled meeting of the Public Safety Committee this Tuesday at 3:00 P.M. She stated that she has made several attempts to reach Conrail regarding the issue of the trash being dumped in their right-of-way at the intersection of Cavanaugh. She hopes to have this cleaned up in the near future. She urged all residents to participate in the Southside Alliance.

Councilmember Novak announced the City of Lansing Housing Fair to be held on Saturday, April 27, 1996 from 10:00 - 3:00 to promote home ownership in the City of Lansing. This event will teach people how to go about purchasing a home. Just bring your drivers license and your social security number. You can obtain a free copy of your credit rating and get pre-approved for a mortgage. There will be 15 Realtors in attendance, as well as neighborhood associations and other experts presenting other information about housing in the City of Lansing and about financing it. He reminded everyone that parking across the sidewalks in driveways is illegal. The Project Play dedication for Willow School Playground equipment is to be held on May 7, 1996 from 12:45 to 1:45 P.M. This school and it's students raised in excess of $7,000 to fund their project play equipment.

Councilmember Bauer announced that April 21-27 is National Volunteer week and asked everyone to recognize and appreciate what volunteers do for us.

Councilmember Leeman explained that the Stormwater Resolution was pulled from the agenda because the Administration presented an alternate resolution to the committee and they need time to review it. He reported that there are five Public Service Trucks out doing street cleaning. He urged residents to voluntarily go out and clean their catch basins of leaves and debris to speed the process.

Councilmember Beal reported receiving a phone call from Code Compliance Officer Jim McCue who reported to her that Senate Bill #653 is once again in front of the Urban Policy Committee. This is the Bill that would affect the City of Lansing and the way it operates the

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Building Safety program.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener thanked Council for approving the appropriations from the Community Use Account for the North Lansing Community Association, the Neighbors United in Action and for the Car Capital Celebration.

He responded to charges that the public has not been given appropriate access to City Government. This body is more accessible than any other he has ever seen. This is true of the Administration also. The Stormwater issue has been under discussion by City Officials and investigation by the Administration since 1990, and they are still working on changes to the program because of the public outcry. The public has access to Lansing City Government, all of it. They may not always get the answers they want, but they have the ability to be part of the process.

Councilmember Novak asked for an opinion from the City Attorney with respect to the viewpoint that has been expressed that the City of Lansing is under no obligation to separate it's sewers. He requested that the City Attorney opine as to whether the Federal Mandates of the Clean Water Act are applicable to the City of Lansing. What statutory, or other obligations exist.

Mr. Wiener added that different communities have approached the mandates in different ways, one of which has been to create retention basins for Stormwater runoff. This option was deemed unfeasible for the City of Lansing.

Councilmember Allen questioned the necessity of the City complying with the requirements for separated sewers in areas where the storm and sanitary sewer systems were already separated. It seems that the people in these areas are being forced to pay double.

ADJOURNED 9:25 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS APRIL 22, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Novak

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of April 1, and April 8, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a request to suspend the rules to allow for 2 Special Ceremonies as follows;

   A. for the presentation of a proclamation by Mayor Hollister to Muriel Kirby and other members of the Crime Victims Rights Task Force

   B. For the presentation of a Proclamation to Linda Sanchez, representing the Human Relations Department, honoring Fair Housing Month and the Fair Housing Celebration at the Lansing Center on Saturday, April 27, 1996

2. From Councilmember Beal; a letter from Mayor Hollister requesting a Transfer of Funds for District Court and Human Relations and Community Services Dept.

3. From Councilmember Allen; a petition from the Mt. Hope School PTA in support of the Helmet Law

4. From Councilmember Novak; a letter from the President of the Walnut Neighborhood Association in opposition to the Helmet Law

5. From Councilmember Novak; a letter from Deb Mulcahey informing Council of a Public Hearing to be held at Sexton High School on Wednesday at 7:00 P.M. regarding environmental issues connected to the odor emissions from the GM Verlinden Plant

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation to Muriel Kirby and other Members of the Crime Victims Rights Task Force declaring the week of April 21-27, 1996 as Crime Victims Rights Week. Mrs. Kirby told the audience that there is a growing momentum, among Crime Victims and their survivors, to bring justice to the victim. Currently, it seems, there are more rights awarded to the suspect than to the victim. They are working to change this. She thanked Mayor Hollister, who first suggested that she form this task force when he was a State Legislator, for all of his support through the years.

B. Mayor Hollister presented a Proclamation honoring Fair Housing Month and the Lansing Fair Housing Celebration (to be held at the Lansing Center on Saturday, April 27, 1996 from 9:00 A.M. to 3:00 P.M.) to Linda Sanchez, representing the Human Relations and Community Services Department.

SCHEDULED PUBLIC HEARINGS

A. In consideration of the issuance of Orders for Make-safe or Demolish for property located:

-322 Bingham
-615 Manchester
-1105 E. Oakland
-1031 Clear
-422 S. Butler

Councilmember Allen requested that Chief Code Compliance Officer, Henry Hernandez review the condition of these houses for the listening audience.

Mr. Hernandez described the condition of the above listed properties and said that the Building Safety Division expects three of the houses to be brought into compliance within the next 60 to 90 days.

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Charles DeMasso of 1110 Platt in the Riverpoint Neighborhood spoke regarding the property AT 1031 Clear St. He lives ½ block from this house and hopes that it will be demolished. This house has been boarded up and in the Building Safety Demolition program for 11 years. It is a cancer on their neighborhood. It destroys the property value of homes around it. The owner of this property receives a benefit by the deterioration and devaluation of his property in the form of reduced taxes. The Building Safety Division should not allow houses to remain in a boarded condition for more than three months. There shouldn't be a boarded up house at this address any longer and he should not have to be here tonight speaking in favor of it's demolition. There is another house on Clear St. at 1003 that has been in the demolition process. It was removed from the list of houses to be demolished because it was to have been brought up to code last spring. That never occurred and now it still sits in the neighborhood in a boarded up condition and nothing is being done with it. This property needs to be addressed also.

Lloyd Teets of 116 E. Elm St. said that he lives one block away from the house on Clear St. he does not believe that it is an unsafe building. It looks solid to him. He hopes that it will be saved and repaired for a family to live in, perhaps through the use of CDBG funds.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

B. In consideration of an amendment to Chapter 6, Sections 6.21(A) an 6.24 of the Uniform Traffic Code, for the purpose of Requiring the Use of Protective Helmets in the Operation or Riding of Bicycles and Mopeds by persons under age eighteen; making violations civil infractions; delaying issuance of citation until January 1, 1997, imposing joint and several liability on parents for fines and costs established for violations, and earmarking fine revenues from violations for Bicycle Safety Education Programming

Councilmember Allen stated that she introduced this ordinance for the purpose of investigating it's possibilities and to get a sense of where the community stands on this issue. She stated her opposition to the language concerning a $50.00 fine to parents of kids who are stopped without a helmet on. This fee would not be left in an adopted version. The charge of the Committee is to determine if this Ordinance is Government intrusion into family matters.

Susan Carter, Director of the Lansing Area Safety Council, spoke in support of the proposed ordinance and said that she would not object to an amendment to the language regarding fines. The Safety Council, she said, is able to assist families In procuring helmets for their kids. The bulk purchase of helmets can be made at a cost of $5.00 per helmet. She displayed two models of Bicycle Helmets, one designed with the Lansing Lugnut motif. The City needs to promote education on the proper use of bicycle helmets. Many of the kids she sees wearing helmets are wearing them improperly. It is important to do this type of education early in a child's life. Children use their bicycles for transportation and will later graduate to the use of automobiles.

Robert Bennett of 222 W. Saginaw, Vice President of the Walnut Neighborhood Association, stated their opposition to this ordinance. They feel it is inappropriate at this time. It places a financial burden on low income families and is unenforceable. There are other approaches that can be used, such as the development of bike routes that remove bicycles from contact with vehicles. He supports the use of helmets and educational programs to train the public on their use, but it should be voluntary.

Heather Andrews of 603 N. Francis spoke in opposition to the proposed ordinance. The use of helmets, she said, should be a matter of choice. The money that would be spent to implement this ordinance would be better spent to provide free helmets to families and educational programs on their use.

Mark Eggleston of 4001 Heathgate stated his agreement with the comments made by Mr. Bennett. The City should be focusing it's energy on promoting education about helmet usage and encouraging their use.

Frank Cousin of 2911 Victor Ave., a member of the Tri-County Bike Association, and Chairman of their Safety and Education Committee, said that he has distributed some 15,000 bicycle safety publications In the last year. It is his opinion that more energy should be spend on educating the public on existing bicycle laws, which are not enforced. Additionally, he objects to the age limit contained in the ordinance. Parents should be required to wear helmets, as well as children. He suggested a reward system for encouraging the use of helmets, rather than a penalty system for not wearing them. There are a lot of alternative to this ordinance and they should all be considered prior to adopting this legislation.

Lloyd Teets of 116 E. Elm St. spoke in opposition to this ordinance, calling it, "Feel Good" legislation. This would be a meaningless law until such time as someone wanted to

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selectively enforce it. He inquired as to whether a FIS has been done on this proposal. He supported the concept of an bicycle helmet education fund and a reward system. Parents cannot be penalized every time their children put themselves in danger.

Alexander Bolt of 1230 Reo Rd. spoke in opposition to this ordinance, describing it as "micro-management" by the City.

Donna Ewing of 3915 Hillborn said that 40% of Lansing's school children are eligible for subsidized, or free lunches, and these statistics are prior to the latest layoffs in the city. This program would hurt a lot of kids who need this outlet for physical exercise. Additionally, this program would necessitate the purchase of additional computer equipment and someone to run it, in order to keep track of previous offenders.

Wendy Linn of 626 S. Francis said that in 1994, 25 people died in Michigan because of the improper use of bicycles. She lost her brother in 1988 because he was not wearing a helmet. This is an issue of public health and education is not enough. Community Policing Officers should be utilized to enforce this law and to educate kids.

Del Maynard of 2017 Culver said that no child under the age of eight should be allowed to ride a two wheel bicycle. He opposed the provisions for assessing fines against parents of kids who are caught not wearing helmets. The City, he said, should stay out of peoples wallets.

Joe Hickford of 917 Sparrow Ave. said that his kids wear helmets when they want to, but when they do not want to wear them, they don't. He objected to the City placing another harassment ordinance on it's books.

Russell Smith of 415 Rosadel said that the helmet requirement should apply to adults, as well as to children.

Dave Linn of 626 Francis said that he used to have two children, and now has only one. He would still have two children, if there had been a helmet law in 1988 when his son was killed.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT

Debra Mulcahey of the 1200 block of S. Gennessee said that she is here to advise Council about a meeting to be held at Sexton High School regarding a quality of life issue. The State of Michigan Department of Environmental Quality will hold a public hearing on Wednesday at 7:00 P.M. in the Sexton High School to accept public comment on the ongoing odor emissions from the General Motors Verlinden St. Assembly Plant. She requested that City Council send representatives to let General Motors and the State of Michigan know what their concerns are.

Robert Bennett of 222 W. Saginaw urged City Council to use a portion of the proceeds from the sale of the Civic Arena to fund a Veterans Center.

Bernie Meissner of 635 LaSalle, Chairman of MOST (Majority Opposing Special Treatment) announced that this group has collected 7,500 petition signatures to repeal the Civil Rights Ordinances passed by Council on March 18, 1996. This effort gives City Council a second chance. They have an opportunity to reconsider these ordinances. It is obvious that a lot of Lansing residents oppose them. It is up to Council now to either rewrite the ordinance and take out the wording on sexual orientation, or, put the issue on the ballot to let the voters decide. He reported many incidences of harassment against himself and his family. These incidents have now been turned over to the Lansing Police Department and perpetrators will be prosecuted. Anyone with petitions still out can mail them to the address at the bottom of the page.

Councilmember Lilly asked City Clerk Slade how the canvassing of the petitions is going. City Clerk Slade responded that her staff has nearly completed the canvassing of one of the two petitions.

Lloyd Teets of 116 E. Elm St. reported receiving a letter from Heidi Dougherty regarding questions she has about the Mayor's proposal to add a Container provision to the City of Lansing Green Bag garbage collection system. He insisted that the City of Lansing is exempt from the Federal Mandates of the Clean Water Act for sewer separation. Additionally he claimed that the Stormwater Enterprise Fund raises much more money than it needs to raise to fund the project. Part of this money is being used to pay for items that would normally be paid for by ACT-51 funds or, from the General Fund budget.

Alexander Bolt of 1230 Reo Rd. said that he opposes the Civil Rights Ordinance in any form. He would not be in favor of a revised ordinance from Council. He stated that CARTO (Citizens to Abolish the Rain Tax Ordinance) has found that the City is exempt from Federal Mandates of the Clean Water Act.

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Glen Hills of 908 Hampshire in St. Johns, on behalf of the City Market, said that he believes that the City of Lansing has the nicest farmer's market in Michigan. Possibly in the entire Country. However, the operation of the Flint Farmer's Market is a much more successful one than is Lansing's. He complained that the Market Vendors are not given leases. They have only the option of a 30 day lease. They need to have one-year leases available to them. Additionally, he is concerned that Council has not acted to make the Market property "Designated Park Land". The only real problem that the Market has had is with it's image and that has been restored considerably in the past few years.

Mark Eggleston of 4001 Heathgate said that he is pleased to see that the personnel at the ballpark is 63% Lansing residents. He believes that it is possible that the Old-timers Baseball Association may be taking jobs away from City residents at the ballfield.

Paul Ross of 2410 S. Pennsylvania, President of the South Lansing Business Association, spoke in support of the South Side Community Center and Veterans Center being funded from the proceeds of the sale of the Civic Arena. He urged Council to vote for the South Side Community Center in Washington Park and a Veterans Center on the South Side.

Del Maynard of 2017 Culver stated that he believes that some of the petition signatures to repeal the Civil Rights Ordinances were collected under false statements.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Equal Rights Task Force presented Council with copies of a flier that was circulated by MOST when they were collecting their petition signatures. He stated that the amount of signatures that were gathered, 7,500, is less than 10% of the registered voters in the City of Lansing. This is by no means a majority.

John Ezzo of 507 N. Hayford, a Vendor at the Lansing City Market spoke in opposition to the LEPFA (Lansing Entertainment and Public Facilities Authority) agreement. He stated that he "has fallen in love with the City Market and will do anything possible to keep this ship in the water".

Ken Howe of the League of Michigan Bicyclers said that he does not think the proposed helmet ordinance is practical in terms of enforcement and that it should not contain an age limit.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Bernie Meissner, Chairman of MOST, no address listed, notifying Council of the filing of 7,435 Referendum Petition Signatures to recall the two Civil Rights Ordinances adopted by City Council on March 18, 1996 and informing Council of Charges filed with the Lansing Police Department for actions against he and his family

REFERRED TO THE MAYOR

B. Letter from Claude Ramey, President of the Gier Advisory Board requesting a donation from the Community Promotions Account for their 20th Anniversary Open House

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

C. Letter from Patrick M. Murray, President of the Lansing Board of Education regarding the leasing of space from the School District for the Boys and Girls Club

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Notice from the State of Michigan Department of Social Services of the closing of an Adult Foster Care Small Group Home licensed to Vicki George in the name of Grand Manor at 230 N. Sycamore

REFERRED TO THE MAYOR

E. Letter from Richard A. Holland of 2120 W. Jolly regarding sight obstructions caused by portable signs on the east side of Lansing in Lansing Township

REFERRED TO THE MAYOR

F. Letter from the State of Michigan Department of Treasury regarding the request for Revocation of Industrial Facilities Exemption Certificate No 83-278 issued to Hammond Manufacturing Corp.

REFERRED TO THE MAYOR

G. Postcard in opposition to the Civil Rights Ordinances from J. Juan Green of 1360-23 Deerpath in E. Lansing

RECEIVED AND PLACED ON FILE

H. Letter from Robin J. Ayars of 1101 Walsh

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St. regarding an objectional billboard located on 496 East of the Pennsylvania St. interchange

REFERRED TO THE MAYOR

I. Letter from Heidi J. Doherty of 228 N. Foster Ave. opposing the switch from Green Bags to a Container System

REFERRED TO THE MAYOR

J. Letter from Paul M. Ross, President of the SLBA supporting the establishment of a Veterans Memorial Home paid for from proceeds from the sale of the Civic Arena

REFERRED TO THE COMMITTEE OF THE WHOLE

MAYOR'S COMMENTS

Mayor Hollister directed Councilmember's attention to the Affirmative Action Report submitted by the Human Relations and Community Services Department. This report shows the progress the City has made and points out areas that still need action.

He commented regarding the Tom Dixon report on employment statistics at Oldsmobile Park by Volume Services, Inc. The City targeted a 75% residency rate, however some residents who were offered jobs, refused them. The EOE levels are right on target.

He told Council that the LEPFA agreement that is on the agenda is a DRAFT AGREEMENT, this document has not been approved by the Administration, nor by the Authority yet.

Councilmember Lilly reported having occasion, on Monday morning, to discuss a situation with Captain Cook of the Lansing Police Department. He asked Mayor Hollister to convey his commendations to Captain Cook who was very responsive and helpful. He asked Mayor Hollister to explain the bet that he has entered into with the Mayor of Battle Creek.

Mayor Hollister said that he has entered into a wager with the Mayor of Battle Creek to see which team can generate the most food donations to the state-wide food bank. Tonight's game in Battle Creek will collect donations for "Second Harvest". Donations will also be collected on Wednesday night and Thursday night at the games in Lansing at Oldsmobile Park.

Councilmember Lilly noted that the only seats left for the Thursday night game are lawn seats.

Councilmember Allen reported complaints about graffiti on Lindburgh Dr. and at Potter Park to the Mayor. She reported the graffiti to the Public Service Department last week, but, it has not been cleaned up yet. Please look into it.

Mayor Hollister thanked the people who worked over the weekend to clean up graffiti on the Riverwalk. Over 4,000 kids showed up to work on Saturday.

Councilmember Leeman inquired as to the number of handicapped individuals hired by Volume Services, Inc., which is not included in their report. He inquired as to damage done to the fence around the stadium (on Cedar St. across the street from Museum Drive) by a car that ran into it.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letter from the City Attorney re: Innocent I. Asinobi v City of Lansing Law Dept.

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Request for donation from Community Use Funds for the 20th Annual Michigan Bilingual Education Conference and the 6th Annual City of Lansing Symposium on Cultural Diversity

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2/ Transfer of Funds: Labor Relations

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Disposition of Property, Kingsley Court

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ ACT-09-96, Construction of a Steam Clock in Wentworth Park

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

5/ Letter from Glenn Freeman, Greater Lansing Labor Council opposing the Sale of the Board of Water & Light

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REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Letter from Tom Dickson, President and Co-Owner of the Lansing Lugnuts regarding employment statistics of Volume Services and the Lugnuts

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

7/ Appointment of L. Robert McConnell to the Memorial Review Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

8/ Affirmative Action Report 1994-1995

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

9/ Letters of Appreciation for Oldsmobile Park

RECEIVED AND PLACED ON FILE

10/ Letter from Joseph Maguire regarding the Hometown Hero Sculpture Dedication

RECEIVED AND PLACED ON FILE

11/ National Public Radio Segment on the Lansing Lugnuts

RECEIVED AND PLACED ON FILE

ROUTINE MATTERS FOR ACTION

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-1-96, 1405 Center Street, "H" Light Industrial District to "C" Residential District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Development and Planning.

RESOLUTION #0173
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, May 13, 1996 at 7 p. m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-1-96, 1405 Center Street, "H" Light Industrial to 'IC" Residential District.

By Councilmember Lilly

Carried unanimously

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-2-96, Vacant Land, SW Cor. Oakland & Cedar Sts., 'IC" Residential to "F" Commercial District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Development and Planning.

RESOLUTION #0174
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, May 13, 1996 at 7 p. m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-2-96, Vacant Land, SW Cor. Oakland & Cedar Sts., "C" Residential to "F" Commercial District

By Councilmember Lilly

Carried unanimously

RESOLUTION #0175
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$3,500	Est. Rev.Gen.Fund 101-0-170001-0	Parks & Rec.Ctrl 101-783860-992200-0

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$3,500	Parks & Rec.-Ctrl 101-783860-992200-0	Contributions 101-783810-992200-0

(Donation from Friends of Fenner Arboretum for a sign at the arboretum entrance, credited to revenue detail account 101-0-675003.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$83,000	Est, Rev. -Gen. Fund 101-0-170001-0	Infrastructure-Ctrl 101-933901-992200-0
$83,000	Infrastructure-Ctrl 101-933901-992200-0	Oper. Trans. 410 Fund 101-933901-991410-0
$83,000	Est. Rev.-Infrastructure 410-0-170001-0	911 Computer Aided Dispatch (CAD) 410-933290-977000-13005

(Ingham County 911 Millage support for modifications to 911 CAD system to allow it to support up to 135 mobile data terminals. Revenue detail accounts GF-101-0-617100 Reimbursements-911, and Infrastructure-410-0-696101 operating Transfers-General Fund.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$39.05	Est. Rev.-Gen. Fund 101-0-170001-0	Police-Control 101-343201-992200-0
$39.05	Police-Ctrl 101-343201-992200-0	Donations-DARE 101-343201-741879-0

(Donation from auto show participants for DARE activities. Revenue detail account 101-0-675010-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT#	TRANSFER TO ACCT#
$3,619	Fund Bal.-1988 Environ. Bonds 401-0-390001-0	
$2,832.50		Bond Issue Costs 401-933690-741855-40701
$ 786.50		Hazardous Waste/ containment 401-933190-977007-44115

(1996 arbitrage expense, and higher waste disposal costs than originally budgeted.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$350	Est. Rev.-Gen. Fund 101-0-170001-0	Planning & Neigh. Devel.-Ctrl 101-172601-992200-0
$350	Plan. & Neigh. Devel. -Ctrl 101-172601-992200-0	Comm. Beautification 101-172620-741885-0

(Donations for Neighborhoods in Bloom, credited to revenue detail account 101-0675004. From the Rathbun Agency ($25), the John Henry Co. ($250), Community First Bank ($50), and Altman Brothers ($25).

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$11,149	Police-Admin.-Sick Leave Reim. 101-343201-711000-0	
$ 2,500	Police-Admin.-Gun Allowance 101-343201-717100-0	
$19,001	Police Pers. & Train.-Salaries 101-343201-702000-0	
$12,100	Police Data Oper.-Salaries 101-343223-702000-0	
$44,750		Police-Control 101-343201-992200-0
$44,750	Police-Control 101-343201-992200-0	Infrastructure-Control 101-933901-992200-0
$44,750	Infrastructure-Control 101-933901-992200-0	Oper. Trans.-410 Fund. 101-933901-991410-0
$44,750	Estimated Rev.-Infrastructure 410-0-170001-0	LPD Headquarters-Proj. Maint.410-933290-975000-43827

(Funding for 911 Center Expansion, ($13,775); Detention Center Impr; Quarter-master Evidence Storage, ($11,550), and Mac Donnelly Complex Range Impr, ($15,950. Revenue detail account 410-0-696101.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$2,700	General Admin.-Fringe Benefits 101-173901-715000-0	General A min.-Control 101-173901-992200-0
$2,700	General Admin.-Control 101-173901-992200-0	City Market 101-834102-992200-0
$2,700	City Market 101-834102-992200-0	Market-Professional Services 101-834102-743000-0

(Additional funding for custodial service.)

By Councilmember Beal

Carried unanimously

RESOLUTION #176
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, on February 26, 1996 as

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recommended by the Park Board and the Mayor, City Council approved Resolution # 89 providing for expenditure of $12,450 from the proceeds generated from the $5.00 softball player fee for replacement and repair of Gier ballfield light switches and consulting services to determine how to reduce the impact of lightening strikes on this lighting, and

WHEREAS, the Parks and Recreation Department now indicates a need for the expenditure of an additional $3,849 for such activities, and

WHEREAS, sufficient funding is available within account 410-933890-970000-13023, established for appropriation of the softball player fee.

NOW THEREFORE BE IT RESOLVED that the Lansing City Council approves the expenditure of an additional $3,849 from account 410-933890-970000-13023 for repairs to Gier Park Ballfield lighting.

By Councilmember Beal

Carried unanimously

RESOLUTION #177
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City Charter provides that citizens be afforded the opportunity to comment on proposed City spending prior to the adoption of the annual City Budget, and

WHEREAS, Public Act 5 of 1982, as amended, provides that the proration of State Equalized Valuation growth related to property appreciation be reduced from operating millage, unless local governing bodies publish a public hearing notice, conduct a public hearing, and vote to restore such millage, and

WHEREAS, the Mayor's FY 1996-97 Budget maintains the current operating tax levy of 15.04 mills, including 1.0 mills voted by Lansing citizens for park improvements, and

WHEREAS, the City Assessor has estimated the City's base millage rate under Public Act 5 of 1982, after allowing for new construction and deletions, to be 14.9196 mills, requiring that .1204 mills of the current operating levy be restored to meet funding requirements and requirements of the Act.

NOW THEREFORE BE IT RESOLVED that separate public hearings be held on Monday, May 6, 1996, at 7:00 p.m. in the City Council chambers on the 10th floor of City Hall in regard to the following matters;

a) the City of Lansing's FY 1996-97 operating and capital improvements budgets;

b) in regard to the City's tax rate, including millage restoration under Public Act-5 of 1982, and

BE IT FURTHER RESOLVED that .1204 mills be restored under Public Act 5 of 1982, and

BE IT FINALLY RESOLVED that public hearing notices, as required by Public Act 5 of 1982 and by the City Charter, be published through the City Clerk's Office.

By Councilmember Beal

Carried unanimously

RESOLUTION #178
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
Resolution - Support of Letter of Interest
Early Deployment Planning
Department of Transportation
Federal Highway Administration
Intelligent Transportation Systems

Whereas, the City of Lansing's Traffic Information system is outdated causing unnecessary delays and fuel usage;

Whereas, the City of Lansing is cooperating regionally with other agencies to improve the traffic information system and provides support services for surrounding communities;

Whereas, the City requires a study of its needs and the surrounding communities in order to develop an improved Transportation Information System;

Whereas, the City has met with the Capital Area Transportation Authority, Michigan State University, East Lansing, Tri-County Planning Commission, Michigan Department of Transportation, and Federal Highway Administration to discuss the development of a Early Deployment Study;

Whereas, the Federal Highway Administration has requested communities to respond with a letter of interest for grant funding for an Early Deployment Planning;

Whereas, development of a Predeployment Study would provide the city with a master plan for development of an improved traffic information system;

Whereas, the City would be responsible for 20% of the Costs for the deployment study and the Federal Highway Administration would fund 80%

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OF THE STUDY;

IT IS THEREFORE RESOLVED, THE LANSING CITY COUNCIL SUPPORTS THE LETTER OF INTEREST FOR THE INTELLIGENT TRANSPORTATION SYSTEM EARLY DEPLOYMENT PLANNING PROGRAM.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #0179
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY ATTORNEY'S OFFICE HAS REQUESTED AUTHORIZATION AND APPROVAL TO HIRE OUTSIDE LEGAL COUNSEL IN CONNECTION WITH LABOR RELATIONS MATTERS; AND

WHEREAS, THE CITY ATTORNEY'S OFFICE HAS RECOMMENDED THAT THE FIRM OF COHL, STOKER & TOSKEY BE APPROVED BY CITY COUNCIL AND AUTHORIZATION BE GIVEN TO THE CITY ATTORNEY TO ENTER INTO A CONTRACT WITH SAID FIRM FOR OUTSIDE LEGAL SERVICES IN CONNECTION WITH LABOR RELATIONS MATTERS;

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY ATTORNEY IS AUTHORIZED TO ENTER INTO A CONTRACT WITH THE LAW FIRM OF COHL, STOKER & TOSKEY REGARDING LABOR RELATIONS MATTERS.

BY COUNCILMEMBER NOVAK

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (COUNCILMEMBER BEAL DISSENTING)

ABSENT: COUNCILMEMBER BAUER

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER LILLY; A REQUEST TO SUSPEND THE RULES TO ALLOW FOR 2 SPECIAL CEREMONIES AS FOLLOWS;

A. FOR THE PRESENTATION OF A PROCLAMATION BY MAYOR HOLLISTER TO MURIEL KIRBY AND OTHER MEMBERS OF THE CRIME VICTIMS RIGHTS TASK FORCE

B. FOR THE PRESENTATION OF A PROCLAMATION TO LINDA SANCHEZ, REPRESENTING THE HUMAN RELATIONS DEPARTMENT, HONORING FAIR HOUSING MONTH AND THE FAIR HOUSING CELEBRATION AT THE LANSING CENTER ON SATURDAY, APRIL 27, 1996

THE RULES WERE SUSPENDED AND SPECIAL CEREMONIES WERE CONDUCTED AS SPECIFIED ABOVE

2. FROM COUNCILMEMBER BEAL; A LETTER FROM MAYOR HOLLISTER REQUESTING A TRANSFER OF FUNDS FOR DISTRICT COURT AND HUMAN RELATIONS AND COMMUNITY SERVICES DEPT.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3. FROM COUNCILMEMBER ALLEN; A PETITION FROM THE MT. HOPE SCHOOL PTA IN SUPPORT OF THE HELMET LAW

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4. FROM COUNCILMEMBER NOVAK; A LETTER FROM THE PRESIDENT OF THE WALNUT NEIGHBORHOOD ASSOCIATION IN OPPOSITION TO THE HELMET LAW

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5. FROM COUNCILMEMBER NOVAK; A LETTER FROM DEB MULCAHEY INFORMING COUNCIL OF A PUBLIC HEARING TO BE HELD AT SEXTON HIGH SCHOOL ON WEDNESDAY AT 7:00 P.M. REGARDING ENVIRONMENTAL ISSUES CONNECTED TO THE ODOR EMISSIONS FROM THE GM VERLINDEN PLANT

RECEIVED AND PLACED ON FILE

DISCUSSION AS COMMITTEE OF THE WHOLE

BY COUNCILMEMBER BEAL

THAT THE COUNCIL DO NOW RESOLVE ITSELF INTO A COMMITTEE OF THE WHOLE TO CONSIDER THE FOLLOWING ISSUES

CARRIED UNANIMOUSLY

A. STORMWATER ENTERPRISE FUND

COUNCILMEMBER LILLY, CITING THE CONFUSION OVER THE ISSUE OF COMPLIANCE WITH FEDERAL MANDATES, ASKED CITY ATTORNEY SMIERTKA TO DETERMINE IF THE FEDERAL MANDATES APPLY TO THE CITY, OR NOT.

LENORA JADUN, DIRECTOR OF THE PUBLIC SERVICE DEPARTMENT SAID THAT THERE ARE AREAS OF THE STORMWATER ENTERPRISE FUND THAT NEED TO BE ADDRESSED, PARTICULARLY THOSE THAT DEAL WITH LARGER PROPERTIES, THOSE THAT DEAL WITH PROPERTIES THAT ARE NOT SERVED BY THE STORM SEWER SYSTEM AND PROPERTIES NOT SERVED BY EITHER THE STORM SEWER SYSTEM, OR THE SANITARY

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Sewer System. The Committee proposes the following: that the larger parcels will be dealt with as undeveloped parcels. Properties who are not served by the storm sewer system will receive a 25% reduction in fees. Those who are not served by either system will receive a 50% reduction in fees. Five hundred eighty (580) appeals have been filed, as of April 8, 1996. The appeals process has been completed on 60 of the 580 to date. Treatment of all applicants has been consistent and fair.

Councilmember Allen asked Mrs. Jadun for a report of how many appeals involve a situation where separation has already occurred.

Mrs. Jadun stated that this is not a basis for appeal.

Councilmember Jones noted that the results of the appeals process will not be made available to property owners until all of the appeals have been heard, and asked Mrs. Jadun when the appeals process will be completed and the owners notified of the results. Mrs. Jadun responded that notification could take place in approximately 3-4 weeks.

Councilmember Allen asked how the adjustments will be handled. Will appeals applicants receive a refund check, or a credit on their next tax bill. Mrs. Jadun answered that she has not discussed these options with the City Treasurer at this time.

Councilmember Leeman said that the Committee of the Whole voted to put this issue on tonight's agenda. There has been no decision as to where the City is headed with this issue yet. His committee has reviewed the events leading up to tonight's discussion and has set a Public Hearing for May 13, 1996 to consider an amendment to the appeals process. Additionally, the Administration is working with individuals interested in setting up payment plans.

Councilmember Benavides asked how difficult it would be for the administration to prepare a report on who has not paid. Are they residential property owners, religious institutions, or non-profit agencies? He would like a report on who is not paying and their reasons for refusing to pay.

Councilmember Novak explained that there are four (4) basic residential rates set forth in the ordinance. 1. Parcels of a size up to and including 3,500 square feet (5.7% of all residential parcels, or 2,008 residences in the city fall within this category) the fee is $36.00 per year. 2. This category is made up of people paying $59.00 per year, this is the largest group and constitutes 43.8% of the total parcels, or 15,511 houses consisting of 3,500 to 7,000 square feet (the cost to this category would increase by about $20.00 per year if these charges were put through the sewer system). 3. Properties consisting of between 7,000 and 10,500 square feet will pay roughly $85.00 per year. This is approximately 30.6% of total residences, or 8,024 households. 4. Properties consisting of 10,200 square feet to 2 acres is a group that consists of roughly 20% of total residences and will pay a fee of $120 per year. 5. Finally, there are 40 residences in the City that consist of between 2-5 acres and 9 residences in excess of 5 acres. These properties pay according to individual calculations.

He asked Mrs. Jadun how the calculations on this last group have been carried out.

Mrs. Jadun answered that the estimate for all of these properties combined is around $200,000. Charged at a rate of $120 for the first acre and $88 per additional 2 acres.

Councilmember Novak asked if it were possible to lower the fees on the properties in this last category by going out and physically measuring the properties.

Mrs. Jadun responded that in some cases the fees might be lowered, however, it is just as likely that the fees would be increased.

Councilmember Novak asked Mrs. Jadun to look at the individually measured pay out amounts to see what they would be and if they might result in reductions in the bills that residents in this category have received.

Councilmember Jones asked if the people in the last category would have their bills further reduced by the 25-50% if their properties are not served by either sewer system.

Mrs. Jadun responded that this is a possibility, however, properties not served by the sanitary sewer system are far and few between in the Lansing community.

Councilmember Novak asked for a compilation of information about a reduction in fees for residences without either of the two sewer services and the cost of notification to all categories; residential, commercial and industrial to the system. He noted that the average for all residential customers under the current approach is $72.00 per year. If the project were to be funded through increases in the sewer rates it would cost the average residence $78 to $79.00 per year. Funding the project through a property tax increase would

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cost the average residence $95.00. Lansing Township elected to fund their project through a special assessment of a one-time fee. Under this plan, one church was assessed a fee of $133,000. This is about twice what the fee would be to a Lansing Church over the period of the life of the system. On the question of whether Lansing is subject to Federal mandates on this program, no other community comes close to Lansing in terms of the amount of the sewage being put into the Grand River. Lansing is about 20 times higher than any other community. The question about the mandate is, whether Lansing is required to file a NPDES Permit, not whether it is required to separate it's sewers. If it turns out that Lansing is not required by Federal Mandate to file the NPDES Permit, then the issue can be resolved by a refund of fees. There is a $170,000,000 cost associated with the sewer separation for Lansing. The amount projected to be raised by this fee is in excess of that amount, and that is attributable to the fact that $170,000,000 is the net present value figure. The total amount of all charges would equal $850,000,000. Council could look at reopening this issue and consider the other funding options, such as raising sewer rates by 35-40%. If this option is chosen the average person would pay $78.00 more in sewer rates. Some people would win under this scenario, and some would lose. He prefers the current methodology, because, the average cost is less and the dollar amount does not fluctuate. .

Councilmember Allen asked for a City Attorney's opinion as to whether the City is subject to Federal Mandates on the NPDES Permit.

City Attorney Smiertka said that the issue is a legal mandate of the community making a decision to do the CSO project.

Councilmember Lilly asked whether one Council can legally bind another Council in terms of future actions.

City Attorney Smiertka said that as long as there are no bonds outstanding, then the entire decision could be revisited and the City can change course to another available alternative.

Mrs. Jadun reported that the decision to separate the sewers was made prior to 1991. She suggested a presentation to the Committee of the Whole detailing the entire course of events leading up to the development of the Stormwater Enterprise Fund.

Councilmember Novak interpreted Councilmember Lilly's question to be about the separation of the sewers versus the retention basin option. The City had a study done regarding the preferability of the separation versus detention basins. They recommended separation because of the number of discharge points Lansing has along the Grand River, compared to the few discharge points belonging to other communities. He asked that Mrs. Jadun pull this report regarding the viability of detention basins versus sewer separation.

Councilmember Lilly cautioned his colleagues to think ahead to what will happen in 4-5 years, if, Oldsmobile decides to install their own treatment facility because of the cost of using the City's, as they have threatened to do. The cost that has been assessed against them would then have to be absorbed by residents. This is an area that has to be monitored in the future.

Councilmember Beal suggested that the Committee await the City Attorney's opinion on the mandate, and endorsed Mrs. Jadun's idea of a complete update to the Committee of the Whole. She supports the current system, as the cheapest option for residents.

Councilmember Benavides requested a comparison of costs to Lansing businesses versus the cost to businesses in other communities and suggested that the committee continue to receive input from the administration.

B. Operating Agreement between the City of Lansing and the Lansing Entertainment & Public Facilities Authority (LEPFA)

City Attorney Smiertka explained that this is draft #3 of an agreement between the City of Lansing and it's Entertainment and Public Facilities Authority for the operation of the Lansing Center, Oldsmobile Park, the City Market and the amphitheater in Riverfront Park. LEFPA has convened a committee to deal with this agreement. The Committee will begin analyzing this draft tomorrow morning. The Administration has not reviewed the current draft at this time. The draft is submitted for consideration by City Council to allow them to have input into the process. This agreement allows the authority to rent the aforementioned facilities out and to negotiate license agreements. He reviewed the provisions contained in the agreement.

Councilmember Beal stated that the reason this issue is on the agenda for discussion at this time, is because there is a resolution in front of the Ways and Means Committee to Transfer the management of the City Market to LEPFA with a target date of May 15, 1996. She is concerned about turning the operation of the Market over to such a huge operation. Additionally, Council has pending before them an Ordinance to enact

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long term preservation of the Market and to declare it as dedicated park land. Council has been working on the Market issue for several years, and a number of studies have been done and recommendations have been made which have not been implemented. The Administration does not support the ordinance and does not support the idea of declaring the Market as dedicated park land. Her concern is that the authority has received input from the Administration that does not reflect Council's intent. Many municipal markets, like the City Market, are situated on prime development land. She asked the City Attorney how the Council can include language in the Agreement that will send a directive to the Authority to protect the historical Lansing Farmer's Market.

City Attorney Smiertka responded that Council has no power to encumber the land, however they can communicate their expectations for the Market by including a statement in the agreement, or by issuing a separate document. He will include this issue in the discussions with the Authority. One of the agreements made with the Authority in the contract with their new CEO is the restoration of the Market as a viable entity in the City.

Councilmember Beal noted that support for the Market is strong on City Council, but not within the Administration, and that there are 1,330 farms within a one hour drive of the City.

City Attorney Smiertka suggested that language be added to the agreement on page 6, by adding a new section, section H. to the effect that, the authority recognizes the Council's wishes that the Market be restored to it's former viable state. He agreed to develop language to this affect.

Councilmember Lilly indicated his concern regarding the language contained on page 8 in paragraph #7. He asked the City Attorney if the Market remains an agency of the City under the terms of this language. Mr. Smiertka answered in the affirmative. Councilmember Lilly then asked Mr. Smiertka if the Civic Center is still an agency of the City.

Mr. Smiertka responded that, subject to a 20 year lease with the Convention Authority both the Lansing Center and the Civic Center are probably still agencies of and property of the City.

Councilmember Lilly stated that he would not support any agreement that did not include a provision for budgetary oversight by City Council, and suggested that, that portion of the agreement be rewritten. The Authority should be required to prepare a proposed budget and submit it to the Mayor and Council for their approval along with the City's Budget.
City Attorney Smiertka said that Council has ultimate control. There is no agreement unless Council approves the agreement that will approve the Budget of the Authority. The Authority will get no subsidy unless City Council agrees with their budget.

Councilmember Lilly said that any subsidy the Authority gets should be directly related to how they spend their funds at any portion of the year. The problem with the previous authority was that Council never saw how they were handling the money. All Council ever got was the bill. Council should maintain oversight over this body. They have given away two City agencies already and he objects to that.

Councilmember Benavides agreed that Council needs to be concerned with the future of the City Market. Everyone knows that it plays an important function in the community. He expressed his desire for a future, one page report on this issue and what will take place under this agreement. He questioned the City Attorney as to the language on page 3 with regard to downtown parking. According to this language the Municipal Parking System will not be involved. Does this mean that there will be a reduction of employees in the system?

Mr. Smiertka said that this language is intended to cover the parking areas on site of the facilities.
Councilmember Benavides asked for clarification of this section to reflect this intent. He asked for an explanation of the language on page 6 under paragraph E. Mr. Smiertka explained that this language states that only Council could amend the agreement. Councilmember Benavides questioned the language regarding the use of office space for the Authority and the language providing for a subsidy by City Council, asking if it guarantees the Authority a blank check. Mr. Smiertka answered in the negative, saying that Council must approve their budget prior to the granting of a subsidy. Councilmember Benavides said that his concern is that, if the revenues of the City are decreased through a major loss of some type, such as a massive GM layoff, Council should be able to reduce the subsidy to the Authority to reflect the City's losses. Additionally the agreement should provide that the subsidy be allocated on either a quarterly, or a monthly basis. Mr. Smiertka said that this language was included at the request of the Authority and would most likely be an issue with them if removed, however, he could include a proviso reflecting the type of flexibility requested by Councilmember Benavides.

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Councilmember Allen asked if the section on parking allows the Authority to privatize parking. Mr. Smiertka responded that the Parking System is under the control of the City and the agreement does not allow for privatization of parking. The agreement refers only to the parking adjacent to the facilities for staff use.

Councilmember Allen noted that the term of the agreement is 15 years. Mr. Smiertka added that Council can amend the agreement at any time.

Councilmember Beal asked that the term "City Council's Approval" be substituted for the term "City Council's Agreement".

By Councilmember Lilly that the City Attorney arrange for the Authority to establish a Committee of three of their members to negotiate the terms of this agreement with the Intergovernmental Relations Committee and the Attorney's Office.

Mr. Smiertka said that, properly, the agreement should be negotiated through the Administration and the Authority and then brought to Council to go through the Committee process.

Councilmember Lilly questioned why the agreement is in front of them tonight?

Councilmember Beal stated that this agreement is in front of Council tonight because of the resolution that is on the Ways and Means agenda for the management of the City Market, which is also under the aegis of LEPFA.

Councilmember Novak supported Member Lilly's motion to refer the agreement to the Intergovernmental Relations Committee.

COUNCILMEMBER LILLY'S MOTION WAS CARRIED UNANIMOUSLY

C. Transportation Study Grant

Lenora Jadun, Public Service Department Director said that this is a letter of interest. Five (5) other communities along with MSU, want to participate in this study and will match the $10,000 amount. MDOT will apply for this grant on our behalf and will submit the application to the Federal Highway Administration. This project could cost $300,000 at most and take up to 18 months to get the information together. This grant would be a 80/20 split with the Federal Government paying 80% and the communities involved paying 20%.

Councilmember Lilly asked if this is projected for this budget year, or for the next budget year. Mrs. Jadun responded that nothing has been set aside at this time. They will try to change some of the controllers and get them more synchronized. This is part of the decentralization of the mainframe computer system that traffic currently runs from.

By Councilmember Benavides

To authorize the Public Services Director to submit the letter of interest, and to schedule the resolution approving this action for adoption directly following the Committee of the Whole discussion.

Carried unanimously

D. Committee of the Whole Minutes for Approval; March 25, April 1, and April 15, 1996

By Councilmember Lilly

To approve the Committee of the Whole minutes as stated above.

Carried unanimously.

By Councilmember Beal

That the Committee of the Whole Do Now Rise

Carried unanimously

PUBLIC COMMENTS

Elaine Wombolt of 2815 Tressa Dr. requested Council's contribution of a donation to the Learning Disabilities Make a Difference Day 5K Walk/run to take place on October 26, 1996 in Potter Park on the Riverwalk. She reported that they were voted honoree of the year for last year's event.

Mark Eggleston of 4001 Heathgate said that the street sign at the corner of Waverly and Holmes has been missing for 6 months. He has reported this to Pat Landry of the Transportation Department, with no results. He said that the first hearing on his lawsuit against the Board of Canvassers will be held this Wednesday. He will report on the hearing on this week's Cablecast, Required Viewing, which will air tomorrow at 12:00 P.M. and on Friday at 8:00 A.M. on channels 16 and 37.

William Hubbell of W. Holmes reported that he is now working for the Lugnuts. He asked about the status of the Transportation Center.

Lloyd Teets of 116 E. Elm St. spoke in opposition of the referral of the LEPFA

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agreement to the Intergovernmental Relations Committee. He disagreed with the statements of Mr. Smiertka with regard to the rain tax (Stormwater Enterprise Fund fees), because he does not trust the City Attorney, nor does he agree with the figures reported by Councilmember Novak earlier in the meeting.

COUNCILMEMBER BAUER LEFT THIS MEETING OF THE CITY COUNCIL AT 11:15 P.M. AND WAS EXCUSED BY UNANIMOUS VOTE OF HER COLLEAGUES

Tom Hurley, no address given, spoke in opposition to the rain tax (Stormwater Enterprise Fund fees).

Helen Fiser, no address given, asked Councilmember Novak about the response from the Administration regarding the applicability of Federal Mandates on the City of Lansing with regard to the CSO project. Councilmember Novak responded that the city is obligated to quit dumping 1.6 billion gallons of sewage into the Grand River, however there has been no answer with regard to the mandate on a NPDES Permit.

COUNCILMEMBERS COMMENTS

Councilmember Beal commented that there was a rule change in front of Council last week that would have reduced the length of meetings, however, it was not adopted. She characterized the MOST Campaign as relying on misinformation and misinterpretation to terrorize people. She supports putting this issue on the ballot and hopes that both sides will stick to the facts and stop pushing wholesale hysteria.

Councilmember Lilly informed Member Beal that Mr. Mangopoulos is not a member of MOST, and said that there are people on both sides of this issue that are putting out misinformation, and they are not necessarily members of either group. He announced that He, along with Member Benavides, will introduce ordinances repealing Ordinances #944 and #945.

Councilmember Novak said that he knows of a number of people who support the ordinances, but, who signed the petitions because they thought it should go to a vote of the people. He encouraged everyone to attend the Housing Fair this Saturday at the Lansing Center from 9:00 A.M. to 3:00 P.M. The first 250 people will receive a free credit report on themselves. Bring your social security #, your drivers license, and your last pay stub and you can get pre-approved for a mortgage. There will be 80 exhibits.

Council President Jones announced that everyone attending the Housing Fair at the Lansing Center should stop by the City Market for a Pancake Breakfast first. It starts at 8:00 A.M. and runs to 12:00 P.M.

ADJOURNED 11:40 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS APRIL 29, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones.

PRESENT: Councilmembers Bauer, Beal, Benavides, Jones Leeman and Lilly

ABSENT: Councilmembers Allen and Novak

The Invocation was presented by Councilmember Lilly and the pledge of allegiance was led by Councilmember Lilly.

APPROVAL OF MINUTES

Motion by Councilmember Benavides:

To approve the Printed Council Proceedings of April 15, 1996

Carried unanimously

SPECIAL CEREMONIES

A. Councilmembers Leeman and Jones presented a tribute to Darryl Burgess congratulating him upon winning the Producers Choice Award from Continental Cablevision for Public Access Programming

CONSIDERATION OF LATE ITEMS

By Councilmember Beal:

To accept the following under suspension of the rules:

1/ A resolution regarding a settlement agreement in the case of McNulty v City of Lansing to be handled as the last item under Routine Matters for Action

2/ A tribute to Patti Luciano to be handled at this time

Councilmember Leeman presented a tribute to Patti Luciano of the Lansing Police Department congratulating her on receiving the Washington Times National Service Award for her services for Lansing area Neighborhood Watch

3/ Two letters regarding the public hearing on the Principal Shopping District

4/ To allow for Public Hearings to be included on tonight's agenda in consideration of amendments to Chapter 812 and 1026 of the Code for Establishing a Principal Shopping District

SCHEDULED PUBLIC HEARINGS

A. In consideration to an amendment to Chapter 812, for the purpose of Providing for the Establishment of the Downtown Lansing and Environs Principal Shopping District, Defining Terms Used in Said Chapter, and to Establish the Boundaries of Said Districts

B. In consideration of an Ordinance Amending Chapter 1026, Section 1026.08 Reflecting Amendments to Chapter 812, Principal Shopping District

The following individuals spoke in support of the Principal Shopping District:

-Pat Cook, Economic Development Corporation Director
-Kevin McKinney, 6950 W. Eaton Highway
-Jan Hayhow, owner of Michigania, Inc.
-Kelly Thompson, Downtown Lansing Development Director
-Sue Mills, Arts Council Executive Director
-Larry Meyer, 2923 Kirkwood and V. P. Michigan Retailers Association
-H. A. Welch, owner of Capitol Fur Company
-Terry Terry, 1217 Turner Street
-Ken Stockwell, 4436 Satinwood, Okemos
-Will Coultas, 1895 Penobscot
-Leslie Cavell, 208 E. Grand River & Chair of Old Town Commercial Assn.
-George Warren, 900 N. Pennsylvania and Board Member of Old Town Commercial Assn.
-Bill Boettcher, Principal of Huntington's on S. Washington Ave.
-Cheryl Van DeKerkhove, business owner in Old Town
-Ernie St. Pierre, owner of Hobie's Downtown
-Chris Holman, President of Lansing 2000
-Patrick Shoup, downtown resident
-Scott Achenbach, Manager of Mah Ah's downtown
-Richard Allison of 111 S. Washington Square

The following individuals spoke in opposition to the Principal Shopping District:

-Fred Stackable, 300 N. Grand
-Hosna Gemple, 1526 Knollwood Ave.
-Peter Cohl, 601 N. Capitol Ave.
-Tom Flint, 806 N. Washington
-Steve Isaacs, 515 Cherry
-Gary Andrews of 560 Brookland Blvd.
-Kenneth Ellis, owner of Ellis Parking lot
-Reverend DeMaas asked that churches be Exempted from being assessed as part of this

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District.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

COMMUNICATIONS AND PETITIONS

By Councilmember Beal

That Communications and Petitions be considered as being read in full and that the appropriate referrals be made by President Jones

Carried unanimously

A. Notice from the State of Michigan, Public Service Commission of a Hearing for the Customers of Consumers Power Co. Case #U10710-R to be held on May 6, 1996 at 9:00 A.M.

RECEIVED AND PLACED ON FILE

B. Letter from Bill Black, Corporate Affairs Director, Continental Cablevision regarding the Annual TV Turn-Off Week

RECEIVED AND PLACED ON FILE

C. Letter from the Groundwater Management Board of the Tri-County Regional Planning Commission of 913 W. Holmes requesting support for the National Water Quality Awareness Week, May 5-11, 1996

RECEIVED AND PLACED ON FILE

D. Letters regarding the Civil Rights Ordinances Adopted by City Council on March 18, 1996 from:

-Doug Mitchell Jr. of 403 N. Pennsylvania
-Dan Miller of 2031 Hamelon
-T. Vernon 1950 N. Argyle Ave., Los Angeles

RECEIVED AND PLACED ON FILE

E. Notice from the State of Michigan Department of Social Services of the issuance of a License for an Adult Foster Care Small Group Home to Grand Manor AFC, Inc. at 230 N. Sycamore

REFERRED TO THE MAYOR

F. Letter from Matt Tomlinson of 422 S. Mifflin protesting the methodology used to arrive at his Stormwater Enterprise Fund fee

REFERRED TO THE MAYOR

CITY OFFICER AND BOARD REPORTS

A. Licenses and Bond for Referral:

Peddler/Transient Merchant; Ricky J. Nelson

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the Board of Water & Light requesting City Council Concurrence on an Easement granted to Continental Cablevision for a portion of the S. Creyts Substation Property

REFERRED TO THE MAYOR AND THE COMMITTEE ON DEVELOPMENT & PLANNING

D. Letters from the Mayor re:

1/ Transfer of Funds: City Clerk, Planning Dept., Public Service Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ P-01-96, Wise Estates, Preliminary Plat

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT

Cheryl Van DeKerkhove of 303 S. Holmes stated that she felt the introduction of an ordinance to repeal the civil rights ordinances should not be on tonight's agenda as the City Clerk has not certified the M.O.S.T. petitions and forwarded tq the City Council as yet.

Linda Henderson of 206 Allen stated that she is upset that two Councilmembers now want to rescind the civil rights ordinances. The Lansing Equal Rights Task Force has issued a challenge on the petitions submitted by M.O.S.T. They also have a problem with the City Attorney's strong bias in this matter.

City Attorney Smiertka responded to state that he would like to receive specifics from this group as to why they feel he is biased.

ROUTINE MATTERS FOR ACTION

RESOLUTION #0180
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF

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THE CITY OF LANSING

WHEREAS, IT IS THE POLICY OF THE CITY OF LANSING TO UNDERTAKE AND PROMOTE ACTIVITIES AIMED AT THE PRESERVATION, IMPROVEMENT AND SAFETY OF LANSING NEIGHBORHOODS; AND

WHEREAS, THE PROPERTY LOCATED AT 1100 W. IONIA IS AN OLD NONCONFORMING COMMERCIAL STRUCTURE IN MARGINAL PHYSICAL CONDITION CONVERTED TO RESIDENTIAL USE THAT CONTRIBUTES TO OVERCROWDING IN THE IMMEDIATE NEIGHBORHOOD; AND

WHEREAS, THE STRUCTURE IS BUILT TO THE RIGHT OF WAY LINE OF MARTIN LUTHER KING JR. BLVD. AND W. IONIA STREET AND THEREFORE RESTRICTS THE SIGHT DISTANCE FOR MOTOR VEHICLES AT THAT CORNER; AND

WHEREAS, DUE TO THE SINGLE FAMILY ZONING OF THE PROPERTY AND THE SIZE AND LAYOUT OF THE STRUCTURE, THE BUILDING IS ILL SUITED FOR USE AS A SINGLE FAMILY UNIT AND OUT OF CHARACTER WITH THE DESIGN OF THE RESIDENTIAL NEIGHBORHOOD; AND

WHEREAS, RESIDENTS IN THE NEIGHBORHOOD RECOMMEND THAT THE CITY ACQUIRE THE PROPERTY AND REMOVE THE STRUCTURE AND THE CITY ADMINISTRATION CONCURS WITH THIS RECOMMENDATION; AND

WHEREAS, THE CITY CHARTER AND CHAPTER 208 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING REQUIRE CITY COUNCIL APPROVAL OF THE ACQUISITION AND DISPOSITION OF REAL PROPERTY;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL AUTHORIZE THE ACQUISITION OF THE PROPERTY LOCATED AT 1100 W. IONIA STREET DESCRIBED AS;

> THE EAST 68 FEET OF THE SOUTH 4 RODS OF LOT 1, BLOCK 1, J.M. FRENCH JRLS SUBDIVISION OF THE SOUTH 36 ACRES OF THE WEST 1/4 OF SECTION 17, T4N, R2W, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, AS RECORDED IN LIBER 45 OF DEEDS, PAGE 216, INGHAM COUNTY RECORDS

FOR THE PURCHASE PRICE OF $57,000.00, ESTABLISHED AS THE FAIR MARKET VALUE OF THE PROPERTY IN THE APPRAISAL PREPARED FOR THE CITY IN NOVEMBER 1995, PROVIDED THAT THE OWNER WILL SELL SAID PROPERTY TO THE CITY FOR FAIR MARKET VALUE.

BE IT FURTHER RESOLVED THE CITY COUNCIL WAIVES THE ACT 285 REVIEW AND THE CITY POLICY OF AN ENVIRONMENTAL ASSESSMENT.

BE IT FURTHER RESOLVED THAT UPON ACQUISITION, THE STRUCTURE ON THE PROPERTY SHALL BE RAZED AND THEREAFTER THE LAND MAY BE OFFERED FOR SALE BY QUIT CLAIM DEED FOR THE FAIR MARKET VALUE OF THE LAND PLUS ALL CLOSING COSTS.

BE IT FURTHER RESOLVED THE ACQUISITION OF THE PROPERTY AND REMOVAL OF THE STRUCTURE SHALL BE PAID FROM THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, AND THAT ANY PROCEEDS RESULTING FROM THE DISPOSITION OF THE PROPERTY SHALL BE RETURNED TO THAT PROGRAM.

BE IT FINALLY RESOLVED THE MAYOR IS AUTHORIZED TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO EFFECTUATE THE AFORESTATED TRANSACTION, SUBJECT TO THEIR PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

THE RESOLUTION BY THE COMMITTEE ON WAYS AND MEANS REGARDING THE MEMBERSHIP AND PROCEDURES OF THE CITY OF LANSING AUDIT COMMITTEE WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BEAL

INTRODUCTION OF ORDINANCE
REPEALING ORDINANCE #944
CIVIL RIGHTS ORDINANCE

BY COUNCILMEMBER BENAVIDES AND COUNCILMEMBER LILLY:

THAT AN ORDINANCE TO REPEAL ORDINANCE #944, ENACTED BY THE COUNCIL ON MARCH 18, 1996, WHICH EXTENDED CERTAIN CIVIL RIGHTS IN THE AREAS OF HOUSING, EMPLOYMENT, PUBLIC ACCOMODATION AND PUBLIC SERVICES, WAS INTRODUCED BY COUNCILMEMBER BENAVIDES AND COUNCILMEMBER LILLY AND REFERRED TO THE COMMITTEE OF THE WHOLE.

RESOLUTION
RESOLUTION SETTING PUBLIC HEARING

BY COUNCILMEMBER BENAVIDES AND COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, MAY 6, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO REPEAL ORDINANCE #944, ENACTED BY THE COUNCIL ON MARCH 18, 1996 WHICH EXTENDED CERTAIN CIVIL RIGHTS IN THE AREAS OF HOUSING, EMPLOYMENT, PUBLIC ACCOMODATION AND PUBLIC SERVICES

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

BY COUNCILMEMBER LILLY

DEFEATED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS BENAVIDES, LILLY

NAYS: COUNCILMEMBERS BAUER, BEAL, JONES, LEEMAN,

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THE INTRODUCTION OF THE ORDINANCE REPEALING ORDINANCE #945 WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBERS BENAVIDES AND LILLY

RESOLUTION #0181
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, A SETTLEMENT AGREEMENT HAS BEEN PRESENTED IN THE CASE OF MCNULTY V CITY OF LANSING, INGHAM COUNTY CIRCUIT COURT NO 95-80990- C I;

NOW THEREFORE, BE IT RESOLVED THAT THE SETTLEMENT AGREEMENT IS APPROVED SUBJECT TO THE CITY ATTORNEY'S SATISFACTION THAT THE ENTIRE CASE IS DISMISSED WITH PREJUDICE AS TO ALL PARTIES.

BY COUNCILMEMBER BENAVIDES

TO RECUSE COUNCILMEMBER LILLY FROM THE VOTE ON THIS RESOLUTION

CARRIED UNANIMOUSLY, COUNCILMEMBER LILLY ABSTAINING

BY COUNCILMEMBER BENAVIDES

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

CARRIED UNANIMOUSLY, COUNCILMEMBER LILLY ABSTAINING

TOWN HALL MEETING

BY COUNCILMEMBER BEAL:

MOTION THAT COUNCIL DISSOLVE INTO A TOWN HALL MEETING FOR THE PURPOSE OF DISCUSSION ON THE TOPIC OF NEIGHBORHOOD REVITALIZATION:

CARRIED UNANIMOUSLY

COMMENTS WERE MADE EITHER IN PERSON OR VIA PHONE CALL-IN FROM THE FOLLOWING INDIVIDUALS ON THE TOPIC OF NEIGHBORHOOD REVITALIZATION:

JENNIFER GRAU, LANSING NEIGHBORHOOD COUNCIL, COMMENDED THE PARKS DEPARTMENT, POLICE DEPARTMENT, PUBLIC SERVICE DEPARTMENT AND OTHERS FOR THE GOOD WORK THAT HAS BEEN DONE TO DATE IN THE NEIGHBORHOODS. SHE STATED THAT THE CITY SHOULD DO ALL THEY POSSIBLY CAN TO ENCOURAGE OWNER OCCUPANCY AND THAT HOUSING SHOULD BE KEPT AFFORDABLE IN THE CITY.

SUE RYAN FROM THE S.E. SIDE OF LANSING CALLED IN TO SAY THAT SHE BELIEVES THE NUMBER ONE PRIORITY SHOULD BE FIXING THE ROADS IN LANSING.

CAROL WOOD OF 1018 W. LAPEER SAID THAT THEIR NEIGHBORHOOD HAS RECEIVED GOOD COOPERATION FROM THE CITY ATTORNEY'S OFFICE, JUDGE NETTLES-NICKERSON, THE LANSING POLICE DEPARTMENT AND THE MAYOR'S OFFICE IN GETTING DRUG DEALERS OUT OF THEIR NEIGHBORHOOD.

RUDY CASTILLO OF 1417 LYONS CALLED IN TO SAY THAT THEIR NEIGHBORHOOD (NEIGHBORS UNITED IN ACTION) IS VASTLY IMPROVED THANKS TO THE HELP OF MANY CITY DEPARTMENTS.

RUTH HALLMAN OF 1014 W. LAPEER STATED IT WAS TERRIFIC THAT COUNCIL WAS DEVOTING A MEETING TO THE TOPIC OF NEIGHBORHOOD REVITALIZATION AND, THANKS TO THE COMMITMENT OF MANY CITY DEPARTMENTS, HOME OWNERSHIP IS GREATLY IMPROVED IN THEIR NEIGHBORHOOD.

BARRY CROSS CALLED IN TO SAY THE CAPITOL AREA RAINBOW ALERT IS WORKING TO GET PROSTITUTION AND CRIME OUT OF THEIR NEIGHBORHOOD AND IS ALSO WORKING ON THE RESTORATION OF HISTORIC HOMES.

JANET GUINTER OF 708 N. CHESTNUT FEELS THAT THE CITY IS COMING ALIVE WITH DOWNTOWN DEVELOPMENT AND OLDS PARK. SHE FEELS, HOWEVER, THAT WORK NEEDS TO BE DONE TO CONTROL NOISE IN THE CITY FROM OLDS PARK, CARS HONKING IN THE NEIGHBORHOODS AT ALL HOURS OF THE NIGHT, TRASH BEING DUMPED IN THE NEIGHBORHOODS AND WILD CATS IN THEIR NEIGHBORHOOD.

STEVE GARRISON FROM THE SOUTH SIDE OF LANSING CALLED IN TO SAY THAT HE CONSTANTLY HAS PROBLEMS WITH TRASH BEING THROWN INTO HIS FRONT YARD.

MARY HAUSER OF 6 LAWLER COURT FEELS THAT HER NEIGHBORHOOD HAS GREATLY IMPROVED IN THE NINE YEARS SHE HAS BEEN THERE. SHE HOPES THAT THEIR PART OF TOWN WILL RECEIVE A NETWORK CENTER SOON.

BRENDA BALLARD CALLED IN TO SAY THE AREA OF HAVERHILL AND WINTERSET NEEDS IMPROVEMENTS TO THEIR NEIGHBORHOOD PARK.

GLADYS GILLISON OF 223 W. BARNES WISHES THE CITY WOULD DO MORE TO ENFORCE THE NOISE ORDINANCE; SHE PARTICULARLY OBJECTS TO THE WAIVER FOR THE BROWN BAG CONCERTS DOWNTOWN. SHE STATED THAT THE MOORES PARK AREA HAS GREATLY IMPROVED SINCE THEY RECEIVED A COMMUNITY POLICE OFFICER.

DALE FEE CALLED IN TO SAY THAT HE WISHES SOMEONE WOULD FIX THE STREETS.

GARY ANDREWS OF 560 BROOKLAND BLVD. SAID THAT 20 YEARS AGO THE CITY USED TO SWEEP THE STREETS, CLEAN THE CATCH BASINS AND PROVIDE OTHER SERVICES. CITY EMPLOYEES USED TO BE CARING AND HELPFUL TO RESIDENTS; NOW THEY SPEND THEIR TIME AT LOCAL CAFES AND ARE RUDE TO RESIDENTS. HE FEELS HE RECEIVES NO SERVICES FOR THE TAXES HE PAYS,

TERESA KRUGER CALLED IN TO SAY THAT THEY NEED TRAFFIC CONTROL IN THEIR AREA (MOORES PARK) AS A

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lot of Mt. Hope traffic comes through their neighborhood and she is concerned for the safety of the children.

Paul Scott of 412 W. Kilborn stated that for neighborhood revitalization to occur people must participate, we must tap into all available community resources, we must have better means to accumulate and disseminate information, the media must be a partner, we must hire a historic district planner and come up with a means to coordinate service delivery.

Judy Hackett of 625 N. Pennsylvania stated that the Parks Department and the Lansing Police Department have been a big help in their neighborhood.

Harold King of 1563 N. High likes the idea of town hall meetings as communication is the best means of bringing about revitalization.

Gene Mellon of 609 West St. (Of Strong Families; Strong Children) stated he hopes the city goes ahead with plans for a north side network precinct.

Robert Bennett of 222 W. Saginaw stated his neighborhood has received good cooperation from the Parks Department, Mayor's Office and Public Service. He hopes the north side network center gets set up soon.

Ramiero Torres called in to say that he feels that city employees are not doing their jobs; you shouldn't have to get the City Attorney's Office involved to make city code compliance officers do their jobs.

Bonnie Bennett of 222 W. Saginaw stated that she supports a north side network center.

Alex Kruz of 1027 Seymour said that the Walnut Neighborhood was promised a neighborhood center similar to the one at Neighbors United in Action. What happened to their center?

Roger Parker of 1108 N. Pennsylvania stated that he is a landlord in Lansing and that he has seen a lot of improvement in the neighborhoods in the last few years. The main problems in the city are drug houses, crime and noise disturbances.

Mary Pogonchoff called in to say that the city should put up a sign at Grand River and Maryland titled "POTHOLE ALLEY". She also stated that buses are making ruts in people's yards in the area of Oakland and Maryland.

Elizabeth Evans of 1119 N. Walnut stated that people in her neighborhood are too afraid to even leave their homes. She stated her support of a north side network center.

Gretchen Cochran of 403 N. Sycamore explained the Neighborhood In Bloom program.

Mrs. Rogers called in to say that she sees city inspectors at Theio's Restaurant on S. Cedar Street every afternoon from 3:30-5:00 P.M. She thinks it's outrageous that residents pay taxes for city employees who sit at the restaurants not doing anything.

Vivian Bloom of 227 S. Eighth Street suggested that the city establish a fund from which residents could borrow money at a reasonable rate to fix up homes in the city; there might not be 291 houses in the city that are either red-tagged, green-tagged or boarded up if we had a way of fixing them up.

CONSIDERATION OF LATE ITEMS

1/ A resolution regarding a settlement agreement in the case of McNulty v City of Lansing to be handled as the last item under Routine Matters for Action

HANDLED AS RESOLUTION #181

2/ A tribute to Patti Luciano to be handled at this time

Councilmember Leeman presented a tribute to Patti Luciano of the Lansing Police Department congratulating her on receiving the Washington Times National Service Award for her services for Lansing area Neighborhood Watch

3/ Two letters regarding the public hearing on the Principal Shopping District

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

4/ To suspend the rules to allow for Public Hearings to be included on tonight's agenda in consideration of amendments to Chapter 812 and 1026 of the Code for Establishing a Principal Shopping District

THE RULES WERE SUSPENDED AND TWO PUBLIC HEARINGS WERE ADDED TO THE AGENDA

MOTION OF EXCUSED ABSENCE

By Councilmember Benavides:

That Councilmembers Allen and Novak be excused from this meeting.

Carried unanimously

MAYOR'S REPORTS OR PROPOSALS

David Wiener, Executive Assistant to Mayor Hollister, stated he had no comments at this time.

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CITIZENS COMMENTS

Mike Maiz stated he his still waiting for an answer to the letter he sent to the Mayor's Office and to Tony Benavides regarding the Chavez Committee. He will picket outside City Hall if he receives no response.

Lloyd Teets of 116 E. Elm stated that he was happy to hear Darryl Burgess won an award for his program on Channel 37.

Paul Scott of 412 W. Kilborn said that he doesn't want any more propaganda included with his bills from the Board of Water & Light.

George Warren of 900 N. Pennsylvania Avenue stated he hopes funding of community policing will be retained in next year's budget.

Connie Delaney of 3721 Aurelius Road stated that there is no mandate for the city to separate storm water.

Helen Fiser of 12100 S. Cork agreed that there was no mandate and asked a series of questions regarding the stormwater enterprise fund.

Tom Lafferty of 1806 W. Michigan said that it is impossible to meet the conditions required to get an exemption from city recycling fees.

Gary andrews of 560 Brookland Blvd. Said that he was glad to hear so many call in to say that city employees are not doing their jobs; he definitely agrees.

Cheryl Van DeKerkhove said that she must have signed the wrong sheet but she had a comment regarding neighborhood revitalization. She feels that the city is doing a good job and a lot of positive things are happening. The main concern she has is with the roads.

COUNCILMEMBER COMMENTS

Councilmember Lilly stated that he feels residents have some legitimate questions about the Stormwater Enterprise Fund and whether or not it is mandated. He also said he has a problem with the Board of Water & Light passing their charges on to the ratepayers. He asked Councilmember Leeman to call a special meeting of the Public Service Committee for this week to receive input from the public on this matter. The last hearing Councilmember Leeman had was really only a propaganda campaign by the Public Service Department. Councilmember Lilly asked David Wiener to supply a list of items to him regarding this issue. Councilmember Lilly asked City Attorney Smiertka to respond to charges about his being biased on the civil rights ordinances.

City Attorney Smiertka stated that he does have a bias on the ordinances passed as he does not believe they reflect the current state of the law. He feels that the cases cited by the Lansing Equal Rights Task Force in their challenge of the M.O.S.T. petitions were not accurate. He feels that he is merely interpreting the law and not expressing any bias. Someone even accused him of signing the petitions which he did not do but there is no reason he could not have signed them if he wished.

Councilmember Leeman said he will think about Councilmember Lilly's suggestion of another Public Service Committee meeting on the stormwater enterprise fund. He said he has some concerns about meeting with a group who has a pending lawsuit against the city. He would like to have a response from the administration before he proceeds. He hopes any meeting that takes place would be productive and not just a shouting match.

Councilmember Lilly stated that he couldn't believe a member of the City Council would refuse to meet with the public on any matter. Councilmember Lilly then asked that the information accumulated by this group of residents be referred to the Public Service Committee. This motion was defeated by a vote of 4/1. (Councilmember Beal having left the meeting earlier)

EXECUTIVE ASSISTANT TO THE MAYOR COMMENTS

David Wiener, Executive Assistant to the Mayor, thanked Councilmembers for having a town hall meeting. He stated that he wanted to be clear that the administration feels that city employees are very hard working and doing a good job. If residents have complaints about any city employee, he wishes they would call the Mayor's Office so they could check it out. He stated that he feels it is clear that there is a mandate to keep our rivers clean from the federal government. He feels the documentation is there to support the Stormwater Enterprise Fund.

ADJOURNED 11:30 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS MAY 6, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

APPROVAL OF MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of April 22 and April 29, 1996 and the Printed Council Proceedings of July 10, 1995

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a letter from the Historic District Commission regarding funding of a full time position for Historic Preservation

2. From Councilmember Lilly; a letter from the Historic District Commission submitting their Annual Board Evaluation

3. From Councilmember Beal; a Resolution regarding the Membership of and Policies of the Audit Committee

4. From Councilmember Allen; a Petition signed by 109 Residents supporting the concept of building a new South Side Community Center in Washington Park

5. From Councilmember Leeman; a substitute resolution for XIII B., Public Improvement III, 1996 A Sidewalk Repair Contract

6. From Councilmember Leeman; a substitute resolution for XII C-1a Make-safe or Demolish at 1209 W. Ottawa St. (Garage Only)

SPECIAL CEREMONIES

A. David Wiener, Executive Assistant to Mayor Hollister, presented a Proclamation declaring May 5th through May 11th as Water Quality Awareness Week in Lansing to Bill Rieske of the City of Lansing Planning and Neighborhood Development Department.

PUBLIC HEARINGS

A. In consideration of the Declaration of Property Located at 4901 Christiansen St. as a Public Nuisance

Councilmember Allen reported that the first raid was conducted at this property on August 10, 1995, at which time, drugs and paraphernalia were confiscated. The second raid was conducted on January 19, 1996 and once again drugs and paraphernalia were confiscated. This is within the 6 months prescribed by ordinance.

William Hubbel of W. Holmes Rd. said that the purpose of this hearing tonight is to allow the City to assess the cost of the boarding up of this property against the property owner.

Tim Perrone, Assistant City Attorney, said that this house is the residence of Robert Houslip and Faye Miller, these two are also the property owners. It is the recommendation of the City Attorney's Office that this house remain in a boarded condition until such time as it is sold and new owners occupy it. Additionally, they recommend that the entire cost of the boarding the property as well as the cost of the second raid (including personnel costs) be assessed against the property and included on the next property tax bill.

Councilmember Benavides said that this house is in his ward and he has been over to talk to the residents in this area, as well as the Community Policing Officer and the Police Department. It is his conclusion that the City and Police Department have been more than generous in their dealings with this property. City Council should move as quickly as possible on this.

Fay Miller of 4901 Christiansen, one of the owners of the property, said that Judge Stell has ordered that the property be un-boarded by

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May 15, 1996.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

B. In consideration of City of Lansing FY 1996-97 Budget as follows:

1. The City of Lansing's FY 1996-97 Operating and Capital Improvements Budgets

2. The City of Lansing Tax Rate, Including Millage Restoration under Public Act 5 of 1982

William Hubbell of W. Holmes Rd. spoke in support of building a new South Side Community Center in Washington Park and in support of a pay increase for Councilmembers. This is a good budget and he supports it's adoption.

Elizabeth James of 4015 Chelsie, a School Crossing Guard for the City of Lansing, urged Council to give the Crossing Guards a decent raise. They are the lowest paid City Employees. Last year they got a 12¢ raise. This was an insult. They had not had a raise since 1989 and when they got one it was a slap in the face. They would like a $2.00 per hour increase.

Lloyd Teets of 116 E. Elm St. said he supports a raise for Councilmembers and for the School Crossing Guards. He criticized Council for the 6% sewer rate increase that is hidden in the Budget. This is not the way to go about raising taxes. If fees must be increased, do it in the open, do not bury it in the Budget, there should be a public hearing on this increase. He accused the City of spending at an unprecedented rate.

Alexander Bolt of 1230 Reo Rd. demanded that Councilmembers state their positions with regard to the lack of Federal mandates on the rain tax issue (Stormwater Enterprise Fund fees). He promised that this ordinance would be overturned by the public. Council, he said, should not count on this money in the budget. He urged Councilmembers to repeal the ordinance themselves before it goes to a vote of the people. There is a lot of fat in the budget that Council can cut, such as the money that paid for pamphlets advertising alternative fuel automobiles that the City recently sent out.

Stephanie Whitbeck of 620 W. Ionia, Chair of the Historic District Commission, urged Council to fund a historic district commission position as an Upper Level Supervisory person, one that does not supplant existing staff, in the Planning Department.

Tom Finley, President of the Boys and Girls Club, urged Council to support their suggestion for a collaborative Community Center that would facilitate both youth and seniors. Senior programming would be emphasized in the morning, while children are in school and afternoon programming for both groups would include a division of locations so that interference between the groups is kept at a minimum.

Ernesto Morales of 1097 Meadowlawn spoke in opposition to the proposed North Town Police Precinct, declaring that this is just an attempt to further harass the Hispanic community. The only purpose for putting this Police Precinct in is to protect the new "white business owners" who have opened businesses in the North end. This community has suffered enough police harassment and bullying.

Tom Hearnly of 3425 Palmer St. criticized Mayor Hollister's Budget Address, saying, that he promised an honest budget with no tax increases. What then, is the rain tax? What is the increase in the sewer rates?

Councilmember Beal cautioned the viewers to remember that there is a lot of information gathering going on behind the scenes on the Stormwater issue. The Public Services Committee will come forward with their presentation once they have received a response from the City Attorney regarding applicable Federal Mandates for the CSO project.

Tom Lafferty of 1806 E. Michigan called the CSO Project a "boondoggle" that is comparable to the Los Angeles Subway System.

Jason Wade of 301 S. Clemens spoke in opposition to a North Side Police Precinct. Why, he asked, would Council vote to expand a program that so many people oppose, and spend $6,000,000 to do it?

Maria Zavala, no address given, said that she was arrested recently at the Latin American Culture Club raid. She is opposed to the North Side Police Precinct.

REFERRED TO THE COMMITTEE OF THE WHOLE FOR BUDGET WRAP-UP

C. In consideration of the issuance of Orders for Make-Safe or Demolish for the Following Properties:

-1229 Shepard
-326 W. Willow
-622 Lathrop
-723 E. Park
-733 Wisconsin
-1100 Bement

There were no speakers for this Public Hearing

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REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT

Helen Fiser of 12100 S. Cork Rd. in Morrice said that she submitted a FOIA request to the City Attorney on April 18, 1996 and has not had a response. The time limit for responding to her request expired 10 days ago. She demanded that she be given a copy of the Federal Mandates that require the City of Lansing to complete a CSO Project. Melvin McWilliams, Chief Assistant City Attorney, corrected Ms. Fiser's statement that she has not received a response from the City Attorney with regard to the FOIA request she submitted. He personally reviewed the response from the City Attorney's Office, containing some 90 pages of documents, including NPDES Permits, that was mailed to her. A conflict ensued, in which, Ms. Fiser insisted that the document she received from the City Attorney's Office did not answer her FOIA, and Mr. McWilliams explained that it did answer the FOIA, but may require careful study to understand. He directed her to
specific pages of the response for answers to her questions.

Connie Delaney of 2137 Aurelius spoke regarding item VIII C, Letter from former Mayor Graves, criticizing Mayor Hollister's State of the City Address. She asserted that Mayor Hollister attacked former Mayor Graves in the speech. She read the letter from Mayor Graves, which appears on tonight's agenda.

Gerald Goffin of 13567 Oneida Rd. in Grand Ledge spoke in support of SLU-17-95 for a Residential Care Facility on Coulson Ct.

Thomas Hruska of 2414 Newport, Treasurer for MOST (Majority Opposed to Special Treatment) criticized Council, saying they should be ashamed of their attempts to wrap homosexual rights in the mantle of the Civil Rights movement. He said that the MOST Petitions were signed by a wide cross section of the community. They represent people from all ethnic groups, class groups and social groups. He claimed that even Lloyd Teets signed the petitions.

Alexander Bolt of 1230 Reo Rd. threatened Councilmembers with recall, if they do not repeal the Stormwater Enterprise Fund Ordinance. He stated that he would give Council one week to comply with this request, or, CARTO (Citizens to Abolish the Rain Tax Ordinance) will take remedial action.

Lloyd Teets of 116 E. Elm denied signing the MOST petitions and restated his objections to the Stormwater Enterprise Fund Ordinance.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Equal Rights Task Force, asked everyone who opposes the Civil Rights Ordinances to read them before making a final decision to vote against them. He declared that MOST is circulating untruths regarding the ordinances.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Alexander Bolt of 1230 Reo Rd. requesting an investigation into the Combined Sewer Overflow Project, and a Public Hearing regarding the Forfeiture of Office for Persons, Elected or Appointed, Instrumental in the development and implementation of the project

REFERRED TO THE CITY ATTORNEY

B. Report from Continental Cablevision regarding it's Merger with U.S. WEST, Inc.

REFERRED TO THE MAYOR, CITY ATTORNEY, CABLE ADVISORY BOARD, AND GENERAL SERVICES COMMITTEE

C. Letter from Gerald W. Graves of 1623 S. Genesee Dr. protesting statements made in Mayor Hollister's 1996 State of the City Address

REFERRED TO THE MAYOR

D. Letter from the Michigan Capital Medical Center in support of the Proposed Bicycle/Moped Helmet Ordinance

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

E. Z-07-96, 401 W. Holmes Rd., Rezoning Petition from "J" Parking to "B" Residential Districts filed by Church of the Nazarene of 401 W. Holmes Rd. to allow for the construction of a storage garage

REFERRED TO THE MAYOR AND THE PLANNING BOARD

MAYOR'S COMMENTS

Mayor Hollister reported that next Monday at the Committee of the Whole portion of the Council Meeting Lenora Jadun, Public Service Director, the Michigan Municipal League, and Representatives of the Michigan Department of

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Natural Resources will make a presentation to Council with regard to the Stormwater Ordinance.

Councilmember Allen asked Mayor Hollister about some graffiti she reported to him 2 weeks ago that has not been removed yet.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk submitting Licenses and Bonds for Referral:

Referral - Transfer Class C:
Dueling Pianos Inc.
Transfer Class B Hotel:
Lansing Hotel Management Co., Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk notifying Councilmembers of the Certification of Referendum Petition Signatures for the Repeal of Ordinances numbered as #944 and #945, the Civil Rights Ordinances

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Letters from the City Attorney re:

1. Jennifer L. Smyth, next friend of Pamela Hernandez v City of Lansing, et al

RECEIVED AND PLACED ON FILE

2. Jan Paul Benedict, next friend of Charles Messer v City of Lansing

RECEIVED AND PLACED ON FILE

3. Kathy J. Robinson Blackburn v City of Lansing

RECEIVED AND PLACED ON FILE

4. James F. Gill, et al v City of Lansing, et al

RECEIVED AND PLACED ON FILE

E. Letters from the Mayor re:

1/ Revised Master Plan for Groesbeck Municipal Golf Course in association with the Tollgate Drain Project

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

2/ 1996 Sidewalk Repair - A; Public Improvement IV

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3/ Letter of Appreciation from Deborah Lea Stellfox from Henry H. North Elementary School for the Fingerprinting and Picture Taking of School Students by Officer Fabijancic of LPD

RECEIVED AND PLACED ON FILE

4/ Transfer of Funds; LPD, Human Relations and Community Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ ACT-05-96, Vacation of East-West Alley, Jerome & Vine Streets

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6/ Letter of Appreciation from the Hunter Park Neighborhood Organization to LPD

RECEIVED AND PLACED ON FILE

7/ Letter of Appreciation from Norman P. Obst Williamston Twp. Supervisor, for the April 15th Lugnuts Game

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #0182

REPORT OF COMMITTEE
The Public Safety Committee

To whom was referred the Mayor's report on a request to install traffic control at the intersection of Kipling Boulevard and LaSalle Gardens reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to install traffic control at the intersection of Kipling Boulevard and LaSalle Gardens be denied. The committee has reviewed the report from the administration and concurs that the request to install traffic control at the intersection of Kipling Boulevard and LaSalle Gardens be denied.

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Signed: Sandy Allen
Ellen Beal
Tony Benavides

Public Safety Committee

By Councilmember Allen

That the report of the Committee be corrected to replace the name of Councilmember Benavides with the name of Councilmember Leeman to reflect the actual membership of the Committee on Public Safety, and that the Committee Report be adopted.

Carried unanimously

RESOLUTION #0183

REPORT OF COMMITTEE

The Public Safety Committee

To whom was referred the Mayor's report on a request to install traffic control at the intersection of LaSalle Gardens and Midvale Avenue reports as follows:

The Transportation Division, Traffic Board and Mayor recommend that the request to install traffic control at the intersection of LaSalle Gardens and Midvale Avenue be denied. The committee has reviewed the report from the administration and concurs that the request to install traffic control at the intersection of LaSalle Gardens and Midvale Avenue be denied.

Signed: Sandy Allen
Ellen Beal
Tony Benavides

Public Safety Committee

By Councilmember Allen

That the report of the Committee be amended to replace the name of Councilmember Benavides with the name of Councilmember Leeman to reflect the actual membership of the Public Safety Committee, and that the Report of the Committee be Adopted

Carried unanimously

RESOLUTION #0184

REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred a proposed resolution from the Public Service Director regarding Stormwater Utility Bill appeals,

REPORTS AS FOLLOWS: The Committee reviewed with Public Service Director Lenora Jadun and representatives from McNamee, Porter & Seeley, the City's CSO consulting firm, the Administrative Rules for Granting Appeals Ms. Jadun had promulgated under her authority granted by the Sewer and Stormwater Ordinances in Sections 1042.06 and 1043.08. The proposed resolution would have applied these rules to all residential Stormwater bills, rather than just the property owners who filed appeals by the deadline. The resolution would also have made the rules retroactive to December 1, 1995. After much discussion, the Committee decided to not recommend the resolution to the Council. The Committee would rather permit the appeals process to proceed under the terms of the Stormwater Ordinance for the current year, review results with the Administration, and discuss possible changes for the next billing cycle. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #0185

REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the proposed ordinance to amend the City Code by adding a new . Chapter 285 for the purpose of establishing the site of the City Market,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

CONSENT MATTERS

By Councilmember Beal

To place an affirmative roll on the Consent Agenda items

Carried unanimously

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RESOLUTION #0186
BY COUNCILMEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, May 5-11, 1996, has been proclaimed National Teacher Appreciation week, an annual observance in every state in the Union; and

WHEREAS, Immaculate Heart of Mary School, 3830 Rosemont, and St. Casimir School, 800 West Barnes, will honor their teaching staffs during programs on May 8th, and thank them for their dedication to helping children learn; and

WHEREAS, the theme "I touch the future..... I teach' that the teachers live by is part of the strength of the City of Lansing, adding to its diversity and reputation as a good place to live, work, and raise a family;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 6th day of may, 1996, hereby joins the students, parents and administrators of St. Casimir School and Immaculate Heart of Mary School, in observance of National Teacher Appreciation Week, in commending their teachers for their outstanding service throughout the school year, as they prepare the next generation to assume responsibility for the future of the Capital City.

By Councilmember Allen

Carried unanimously

RESOLUTION #0187
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Patricia A. Goins filed a claim against the City in the amount of $921.30 in protest of a special assessment for a trash removal at her rental property located at 1121 North Jenison; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim, and the Claims Review Committee did deny the claim; and

WHEREAS, the claimant appealed the denial to the City Council, and the matter was reviewed by the Committee on General Services; and

WHEREAS, the Committee determined that the claimant received a trash violation notice after an inspection on August 17, 1995, that trash remained on the property as of the date of reinspection on September 5, 1995, that the City's contractor removed the remaining trash on September 28, 1995, and that there was no error in procedure on the City's part; and

WHEREAS, the Committee recommends that the Claims Review Committee's decision be upheld;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to affirm the Claims Review Committee's denial of the claim of Patricia A. Goins; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0188
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, on November 20, 1995, this Council adopted ordinance Number 926, which added a new Chapter 285 to the City Code to create a new Memorial Review Board consisting of eight members, and to specify the duties of the Board; and

WHEREAS, the Mayor has submitted the names of several citizens for appointment to the Board; and

WHEREAS, the Committee on General Services has waived the new appointee interview required by Council policy, knowing each to be well-qualified for service on this Board, and recommends confirmation of the Mayor's appointments;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the following mayoral appointees to the Memorial Review Board, for terms as indicated:

Luis F. Briones, 2010 Beacon Hill Drive, Fourth Ward, term to expire June 30, 1997;

Patricia E. Heyden, 4901 Devonshire, Second Ward, term to expire June 30, 1998;

Gladys Beckwith, 428 S. Jenison, At-Large, term to expire June 30, 1997;

Lee N. June, 412 Strathmore Road, At-Large, term to expire June 30, 1998.

By Councilmember Benavides

Carried unanimously

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RESOLUTION #0189
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Committee on General Services has reviewed a request from the Executive Assistant to the mayor for $858.26 in Community Use Funds for the Tri-County Women's Coalition, to cover the organization's costs for installation and removal of Women's History Month Banners, as billed by the City's Transportation Division on June 7, 1995; and

WHEREAS, the Committee recommends that the Council deny the request, since funds set aside for Community Use activities are for future events rather than paying past obligations;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts the recommendation of the Committee on General Services to deny the request for Community Use Funds for the Tri-County Women's Coalition.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0190
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded four applications for City permits, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services recommends that the licenses be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City permits:

Fireworks Display Permit (4)

Lansing Lugnuts 505 East Michigan Avenue Display on Cedar St. side of Oldsmobile Park, after ball game, nights of: May 18, 1996; June 21, 1996; July 2, 1996; August 28, 1996

By Councilmember Benavides

Carried unanimously

RESOLUTION #0191
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the garage building located at 1209 W. Ottawa Street, parcel no. 3301-17-260-331-4, legally described as: E 3 R Lot 7 Block 3 French S Sub was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on June 22, 1995, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on April 15, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 6, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and

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THE SAME SHALL BE COLLECTED IN THE SAME MANNER IN ALL RESPECTS AS PROVIDED BY LAW FOR THE COLLECTION OF TAXES IN THE CITY OF LANSING.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #192
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CODE COMPLIANCE MANAGER OF THE LANSING PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THE BUILDING LOCATED AT 226 S. HOSMER STREET, PARCEL NO. 3301-15-302-191-3, LEGALLY DESCRIBED AS: W ½ OF S 3/8 LOT 10 & N 20.25 FT OF E ½ LOT 11 BLOCK 6 GREEN OAK ADD WAS AN UNSAFE OR DANGEROUS BUILDING AS DEFINED IN SECTION 1460.24 OF THE LANSING UNIFORM HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, A HEARING WAS HELD BY THE HEARING OFFICERS ON JUNE 22, 1995, AT WHICH THE HEARING OFFICERS DETERMINED THAT SAID BUILDING WAS AN UNSAFE OR DANGEROUS BUILDING AND ORDERED THE BUILDING DEMOLISHED OR OTHERWISE MADE SAFE; AND

WHEREAS, SAID HEARING OFFICERS FILED A REPORT OF THEIR FINDINGS AND ORDER WITH THE CITY COUNCIL AND HAVE REQUESTED THE CITY COUNCIL TO TAKE APPROPRIATE ACTION UNDER THE HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, THE CITY COUNCIL SCHEDULED A HEARING ON APRIL 15, 1996, TO REVIEW THE FINDINGS AND ORDER OF THE HEARING OFFICERS AND THE OWNER(S) WERE NOTIFIED IN WRITING OF SAID HEARING AND HAD AN OPPORTUNITY TO APPEAR AND SHOW CAUSE WHY SAID BUILDING SHOULD NOT BE DEMOLISHED OR OTHERWISE MADE SAFE;

NOW, THEREFORE, BE IT RESOLVED THAT THE OWNER(S) ARE HEREBY DIRECTED TO COMPLY WITH THE ORDER OF THE HEARING OFFICERS TO DEMOLISH OR OTHERWISE MAKE SAFE THE SAID BUILDING WITHIN SIXTY (60) DAYS FROM THE DATE OF THIS RESOLUTION'S ADOPTION (MAY 6, 1996); AND

BE IT FURTHER RESOLVED THAT SHOULD THE OWNER(S) FAIL TO SUBSTANTIALLY COMPLY WITH THE HEARING OFFICERS, ORDER FOR DEMOLITION OR OTHERWISE MAKE SAFE, THE MANAGER OF CODE COMPLIANCE IS HEREBY DIRECTED TO PROCEED WITH DEMOLITION OF SAID BUILDING; AND

BE IT FURTHER RESOLVED THAT THE COST OF SUCH DEMOLITION SHALL BE A LIEN AGAINST THE REAL PROPERTY AND SHALL BE REPORTED TO THE CITY ASSESSOR WHO SHALL ASSESS THE SAME AGAINST THE PROPERTY UPON WHICH THE BUILDING IS PRESENTLY LOCATED; AND

BE IT FINALLY RESOLVED THAT THE OWNER IN WHOSE NAME THE PROPERTY APPEARS UPON THE LAST LOCAL TAX ASSESSMENT RECORD SHALL BE NOTIFIED OF THE AMOUNT OF SUCH COST BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE RECORDS. UPON HIS FAILURE TO PAY THE SAME WITHIN THIRTY (30) DAYS AFTER MAILING BY THE CITY ASSESSOR OF THE NOTICE OF THE AMOUNT THEREOF, THE ASSESSOR SHALL ADD THE SAME TO THE NEXT TAX ROLL OF THE CITY OF LANSING AND THE SAME SHALL BE COLLECTED IN THE SAME MANNER IN ALL RESPECTS AS PROVIDED BY LAW FOR THE COLLECTION OF TAXES IN THE CITY OF LANSING.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #0193
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CODE COMPLIANCE MANAGER OF THE LANSING PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THE BUILDING LOCATED AT 230 S. HOSMER STREET, PARCEL NO. 3301-15-302-181-4, LEGALLY DESCRIBED AS: E ½ OF S 45.75 FT LOT 11 BLOCK 6 GREEN OAK ADD WAS AN UNSAFE OR DANGEROUS BUILDING AS DEFINED IN SECTION 1460.24 OF THE LANSING UNIFORM HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, A HEARING WAS HELD BY THE HEARING OFFICERS ON JUNE 22, 1995, AT WHICH THE HEARING OFFICERS DETERMINED THAT SAID BUILDING WAS AN UNSAFE OR DANGEROUS BUILDING AND ORDERED THE BUILDING DEMOLISHED OR OTHERWISE MADE SAFE; AND

WHEREAS, SAID HEARING OFFICERS FILED A REPORT OF THEIR FINDINGS AND ORDER WITH THE CITY COUNCIL AND HAVE REQUESTED THE CITY COUNCIL TO TAKE APPROPRIATE ACTION UNDER THE HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, THE CITY COUNCIL SCHEDULED A HEARING ON APRIL 15, 1996, TO REVIEW THE FINDINGS AND ORDER OF THE HEARING OFFICERS AND THE OWNER(S) WERE NOTIFIED IN WRITING OF SAID HEARING AND HAD AN OPPORTUNITY TO APPEAR AND SHOW CAUSE WHY SAID BUILDING SHOULD NOT BE DEMOLISHED OR OTHERWISE MADE SAFE;

NOW, THEREFORE, BE IT RESOLVED THAT THE OWNER(S) ARE HEREBY DIRECTED TO COMPLY WITH THE ORDER OF THE HEARING OFFICERS TO DEMOLISH OR OTHERWISE MAKE SAFE THE SAID BUILDING WITHIN SIXTY

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(60) days from the date of this resolution's adoption (May 6, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #0194
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at 522 W. Oakland Avenue, parcel no. 3301-09-353-101-5, legally described as: E 25 Ft of W 90 Ft Lot 7 Block D Sub of Blocks 26 & 27 Orig Plat was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on June 22, 1995, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on April 15, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 6, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTIONS

RESOLUTION #0195
SLU- 1 7-95
South End of Coulson Court
Residential Care Facility
for 8-10 Elderly Persons

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BY COUNCILMEMBER LILLY

WHEREAS, the Clinton-Eaton-Ingham Community Mental Health Board has requested a special land use permit to construct a 3,700 square foot residential care facility for 8-10 elderly persons at the south end of Coulson Court, and

WHEREAS, the property is zoned "N" Residential District which allows the proposed use as an SLU, subject to compliance with the conditions of Section 1288.02 (O (l)- (9) of the Lansing Zoning Code, and

WHEREAS, the Planning Board held a public hearing on this matter on November 7, 1995 at which two representatives of the applicant spoke in favor of the proposal and two persons spoke in opposition, and

WHEREAS, on November 21, 1995 the Planning Board voted unanimously (7-0) to approve the request with conditions, the approved minutes of said Planning Board meeting are on file in the City Clerk's Office, and

WHEREAS, the mayor concurs in the recommendation of the Planning Board, and

WHEREAS, the City Council held a public hearing for this request on February 12, 1995, and

WHEREAS, the Committee on Development and Planning has reviewed the request and the report of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED that the City Council hereby approve the Special Land Use request by Clinton-Eaton-Ingham Community Mental Health Board (SLU- 1 7-95), to develop a 3,700 square foot residential care facility at the south end of Coulson Court for 8-10 elderly persons subject to the following conditions:

1. Construction, completion and final Building Office approval of the structure.

2. Accommodation of the adult foster care facility by permitting four (4) parking spaces on the site.

3. Operation of the adult foster care facility must meet all federal, state, and local ordinances for the licensing of adult foster care facilities.

4. The applicant will only place one of the following two client populations in this facility:
   a. Persons who are developmentally disabled.
   b. Persons who meet the following criteria:
      1. Have a mental illness
      2. Are 55 years of age or older (exceptions may be made for persons with mental illness who are either medically fragile and whose needs are consistent with an elderly population, or are placed temporarily pending relocation to an appropriate facility.)
      3. Require a level of supervision and support consistent with Adult Foster Care Rules and Regulations.
      4. Do not require 24 hour nursing care.

5. The applicant will provide to the city Planning Office a proposed landscape, screening, and buffering plan for approval which will address tree replacement generally on a one-for-one basis, provide fencing along the south property line (in keeping with existing fences) to discourage pedestrian cut through traffic, establish buffering along the fence line which primarily consists of coniferous trees, and general landscaping around the residence and in the drive circle.

BE IT FURTHER RESOLVED that in granting this request, the City Council determines the following-

1. The proposed special land use is harmonious with the character of adjacent property and surrounding uses.

2. The proposed special land use will not change the essential character of the surrounding property.

3. The proposed special land use will not interfere with the general enjoyment of adjacent properties.

4. The proposed special land use will not be hazardous to adjacent properties.

5. The proposed special land use will not place any demands on public services and facilities in excess of current capacities.

6. The proposed special land use is consistent

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WITH THE INTENT OF THE ZONING CODE AND OBJECTIVES OF THE CURRENT COMPREHENSIVE PLAN OF THE CITY.

BY COUNCILMEMBER LILLY

TO DISCHARGE THE COMMITTEE ON DEVELOPMENT AND PLANNING ON THIS ITEM

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER BEAL ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTION #0196
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS REAPPOINTED SEVEN CITIZENS TO NEW TERMS ON THE SEVEN BLOCK DEVELOPMENT AREA CITIZENS DISTRICT COUNCIL; AND

WHEREAS, ALL OF THE APPOINTEES HAVE INDICATED THEIR WILLINGNESS TO CONTINUE SERVING ON THE CDC;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE MAYOR'S REAPPOINTMENTS OF THE FOLLOWING INDIVIDUALS TO THE SEVEN BLOCK DEVELOPMENT AREA CITIZENS DISTRICT COUNCIL, FOR TERMS TO EXPIRE JUNE 30, 1998:

JAMES E. BALLARD, 2850 SHADOW WOOD DRIVE, HOLT, DISTRICT AREA PROPERTY OWNER;

DIANNE E. CLARK, 921 W. LENAWEE, DISTRICT AREA RESIDENT;

MARY WRIGLEY, 5349 SLEIGHT ROAD, BATH, DISTRICT AREA PROPERTY OWNER;

FRED JOHNSON, 2572 W. MT. HOPE, OKEMOS, DISTRICT AREA PROPERTY OWNER;

ELIZABETH C. DUNCAN, 924 W. HILLSDALE, DISTRICT AREA RESIDENT;

GENEVA SMITH, 705 W. KALAMAZOO, #3, DISTRICT AREA RESIDENT; AND

LEDORA GARY, 3900 BURNEWAY DRIVE, APT. 315, FORMER DISTRICT AREA RESIDENT.

BY COUNCILMEMBER LILLY

TO DISCHARGE THE COMMITTEE ON DEVELOPMENT AND PLANNING FROM CONSIDERATION ON THIS ITEM

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER BEAL ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTION #0197
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS APPOINTED VERNON E. MOORE, 900 LONG BLVD., #571, AS THE UNION MISSIONARY BAPTIST CHURCH REPRESENTATIVE ON THE SEVEN BLOCK DEVELOPMENT AREA CITIZENS DISTRICT COUNCIL; AND

WHEREAS, THE MEMBERS OF THE COMMITTEE ON DEVELOPMENT AND PLANNING HAVE WAIVED THE NEW APPOINTEE INTERVIEW REQUIRED BY COUNCIL POLICY, AND RECOMMEND CONFIRMATION OF THE APPOINTMENT;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE MAYOR'S APPOINTMENT OF VERNON E. MOORE AS THE UNION MISSIONARY BAPTIST CHURCH REPRESENTATIVE ON THE SEVEN BLOCK DEVELOPMENT AREA CITIZENS DISTRICT COUNCIL, FOR A TERM TO EXPIRE JUNE 30, 1998.

BY COUNCILMEMBER LILLY

TO DISCHARGE THE COMMITTEE ON DEVELOPMENT AND PLANNING FROM CONSIDERATION OF THIS ITEM

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

YEAS: 7

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NAYS: 1 (Councilmember Beal absent and unexcused for this vote)

RESOLUTION #198
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
PUBLIC IMPROVEMENT III

WHEREAS, pursuant to the resolution adopted by this council on February 5, 1996, the City Assessor has completed the assessment roll for sidewalks and furnished the following information:

PROJECT TITLE: 1996 Sidewalk Repair Contract P.S. #01020

PROPERTIES BENEFITTED: The area bounded by Dunlap Street, Stabler Street, Holmes Road, and Washington Avenue. Also the area bounded by Lafayette Avenue, Andrew Avenue, N. Grand River Avenue., and Grandell Avenue. Also Cambridge Road between Nottingham Road and Moores River Drive, Moores River Drive between Cambridge Road and Boston Blvd., Wellington Street north of Boston Blvd., Blair Street from Wellington Street to Boston Blvd., and Pettis Street from Boston Blvd to Moores River Drive. Excepting all public streets and alleys and other land deemed not benefitted.

COST OF IMPROVEMENTS:

ASSESSMENT ROLL #B-57	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
SIDEWALK REPAIRS	$205,541.72	$82,275.48
TOTAL COSTS	$205,541.72	$82,275.48

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on Monday, May 20, 1996, at 7:00 PM, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FURTHER RESOLVED that the City Clerk and the Public Service Director are hereby requested to give due notice of this public hearing as provided by Chapter 1020, Section 1026.06(c)(1), of the Code of Ordinances by publishing a notice of a public hearing in a daily newspaper of the City, not more than twenty days and not less than ten days before such public hearing. Said notice shall include the time and place of the hearing; a description of the section or area of the City determined by Council to be within the assessment district as contained in the special assessment roll; where the special assessment roll is on file and may be examined; that any person aggrieved by the assessments as contained in the special assessment roll, or the necessity of the improvement, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative; that the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal; and that any appeal to the Michigan Tax Tribunal must be taken within thirty days of the confirmation of the special assessment roll, provided a protest was timely made.

BE IT FINALLY RESOLVED, that pursuant to the requirement of 1962 PA 162, as amended, MCL 211.741, et seq.; MSA 5.3534(l), et seq. , appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the State Tax Tribunal. An owner or party in interest, or his or her agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required.

I hereby certify that funds are available for the City of Lansing's share of said project in accounts #410-933690-974200-13026.

Charles S. Remenar,
Deputy Controller

By Councilmember Leeman

Carried unanimously

RESOLUTION #0199
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, City Charter Section 3-404.1 requires the City Council to obtain external audits of all City accounts including the Board of Water and Light, the Lansing Housing Commission, and the Lansing Entertainment and Public Facilities Authority; and

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WHEREAS, the City Council has utilized an Audit Committee comprised of the Finance Director, the Deputy Controller, and the Internal Auditor to assist them in this process; and

WHEREAS, the Internal Auditor of the Board of Water and Light and the City Purchasing Supervisor possess expertise that will benefit the Audit Committee.

NOW, THEREFORE, BE IT RESOLVED the Audit Committee shall be comprised of the Finance Director, the Deputy Controller, and the City Internal Auditor; and

BE IT FURTHER RESOLVED that the Audit Committee shall formulate and recommend, to the Ways and Means Committee, audit firm qualifications and audit specifications, and shall also recommend independent external auditors; and

BE IT FURTHER RESOLVED that the BWL Internal Auditor and the City Purchasing Supervisor may be requested to provide advice and expertise as needed by the Audit Committee; and

BE IT FURTHER RESOLVED that the following specifications and qualifications previously adopted on March 29, 1993 for the Board of Water and Light are hereby re-affirmed and(extended to all city external audits:

1. Section 206.16 of the City Purchasing Ordinance entitled "Preference for Local Bidders or Offerors" shall apply to the awarding of audit contracts.

2. The audits shall be conducted in accordance with generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants.

3. For the BWL audit, the audit firm must have previous experience in auditing municipal utilities and their pension plans.

4. The audit firm must have demonstrated capabilities to effect an audit of electronic data processing functions.

5. The audit firm must be licensed to perform audits in the State of Michigan.

6. For the Board of Water and Light audit, the audit firm must be nationally known, having offices in the major financial centers of the United States.

7. A copy of the completed audit and management letter shall be provided to the Lansing City Council at or prior to the time that the completed audits and management letters are provided to management.

8. The audit firm will be available to confer with the Audit Committee members and members of the City Council relative to the audit or questions with respect to the accounting system. At the conclusion of the audit engagement the auditors will be available to confer with the City Council and present the report and any recommendations deemed appropriate; and

BE IT FURTHER RESOLVED that the Ways and Means Committee has determined that the Audit Committee shall not recommend for approval by City Council any bid not including rotation of managing partners not less than once every three years where applicable; and

BE IT FINALLY RESOLVED that this resolution supersedes all previous policy statements regarding the acquisition of external audit services.

By Councilmember Beal

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Lilly; a letter from the Historic District Commission regarding funding of a full time position for Historic Preservation

REFERRED TO THE COMMITTEE OF THE WHOLE FOR BUDGET WRAP UP

2. From Councilmember Lilly; a letter from the Historic District Commission submitting their Annual Board Evaluation

REFERRED TO THE COMMITTEE OF THE WHOLE

3. From Councilmember Beal; a Resolution regarding Membership on and Policies of the Audit Committee

HANDLED AS RESOLUTION #0199

4. From Councilmember Allen; a Petition signed by 109 Residents supporting the concept of building a new South Side Community Center in Washington Park

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REFERRED TO THE COMMITTEE OF THE WHOLE FOR BUDGET WRAP UP

5. From Councilmember Leeman; a substitute resolution for XIII B., Public Improvement III, 1996 A Sidewalk Repair Contract

HANDLED AS RESOLUTION #0198

6. From Councilmember Leeman; a substitute resolution for XII C-1 A Make-safe or Demolish at 1209 W. Ottawa St. (Garage Only)

HANDLED AS RESOLUTION # 0191

PUBLIC COMMENTS

Sandy McCormick, no address given, demanded answers regarding the existence of Federal Mandates on the CSO Project.

Lloyd Teets of 116 E. Elm St. said that Council cannot fix the Rain Tax issue by adopting a new appeals process. This is not an equitable system, it assess a fee against property owners for an act of God. However, if you are a renter rather than a property owner, you do not have to pay for the act of God.

Richard Fiser of 12100 Cork in Morrice spoke in opposition to the rain tax ordinance (Stormwater Enterprise Fund fees).

Helen Fiser of 12100 Cork in Morrice declined an invitation from the City Attorney to meet privately with him in regards to a FOIA she filed.

Tom Lafferty, no address given, urged Council to put the CSO Project on hold. The sewage being dumped into the Grand River is a smaller amount than was originally projected because of lower levels of population.

Tom Hearnly of 2435 Palmer said that Councilmembers should engage in give-and-take discussions with the public. The public has been misled on this issue all along the way. Even the appeals process is not fair. He requested information about how many residents paid for a special assessment to separate their sewers already and for information about the 49 residents who own parcels in excess of 5 acres.

Councilmember Novak directed Mrs. Fiser's attention to specific portions of the FOIA Response she received from the City Attorney's Office. He asked Mr. McWilliams to provide Mrs. Fiser with copies of documents referred to in the response. The cost of providing these copies can be billed to his Councilmember's account.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked all of the volunteers in Lansing, particularly, Gladys Beckwith, the Prize-winner in a recent J.C. Penney Award Ceremony. She thanked Councilmember Novak and everyone who worked on the Lansing Housing Fair, including the Lansing Neighborhood Council, and Oldtown Neighborhood Association. She confirmed the regularly scheduled meeting of the Intergovernmental Relations Committee Tuesday, May 7, 1996 at the Southside Police Precinct at 4:00 P.M. where they will discuss the concept of a regional library.

Councilmember Novak reported that 1,500 people participated in the Lansing Housing Fair this year. That is 500 more than last year.

Councilmember Lilly reported receiving a call from Steve Kosloski complaining about speeding cars at Miller and Rolfe. He thanked the Administration for the information they have provided him on the CSO Project.

Councilmember Benavides reported a problem with speeding cars at Pleasant Grove and Waverly Road. Recently, an accident at that location claimed the life of a young man. Maybe, he said, it is time to get the Radar out again. He confirmed the regularly scheduled meeting of the General Services Committee this Tuesday at 11:30 A.M. He commended the Police Department and the Fire Department on the success of the 911 Football Classic. The 'Blue Knights' won over the 'Infernos'.

Councilmember Allen confirmed the regularly scheduled meeting of the Public Safety Committee on Tuesday at 3:00 P.M. She reported that May 5-11, 1996 is National Teacher Appreciation week. She reported that the first meeting of the South Side Neighborhood Alliance went very well. She invited everyone to attend the Grand Opening of the South Side Precinct on May 22, 1996 from 6-8:00 P.M. They will have clowns and a ribbon cutting ceremony. She sent her sympathies to the parents and families of the children who were injured in the Skywalk accident on Cedar St. last week. Her prayers go out to the two that are still hospitalized. She will try to arrange Lugnuts tickets for them.

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Councilmember Leeman thanked the residents of the Riverpoint and Green Oaks areas that participated in the Neighborhood Clean-ups this weekend. He expressed his concerns over the CSO meeting that was held at the Foster Community Center last Thursday. The facility was not large enough to accommodate all of the neighbors that attended. Additionally, McNamee Porter & Seeley Engineers were present to answer questions, but there was no one from the Public Service Department. The construction schedule has not been set yet, and that information was not available to residents. This meeting should have been postponed to a later date when more pertinent information was available. He asked when the Ethics Ordinance would be coming back to Council.

President Jones responded that he expects to see a revised version of the Ethics Ordinance this week. He thanked Councilmembers Leeman and Bauer for serving on the District Library Planning Committee. He announced that Budget Wrap-up is this Saturday in Council Chambers starting at 9:00 A.M. ending at 6:00 P.M. He urged all residents who want to participate in Parks Programs, but need financial assistance, to go to the location of the event they wish to take part in and fill out a scholarship application. The scholarships will be awarded on a financial need basis. He wished good luck to Melvin McWilliams of the Law Department as he prepares to begin his own practice.

Mr. McWilliams, Chief Assistant City Attorney, thanked Councilmembers and past Cou cilmembers for the support shown to himself and other members of the City Attorney's Office. He promised that he will continue to be involved in the City, in one way or another.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener said that Mayor Hollister will respond to the letter from Former Mayor Graves. It is not his intent to minimize the accomplishments of the Graves Administration.

He stated that, on the subject of the Stormwater Enterprise Fund, General Motors' fee is approximately $550,000 per year. They already have some existing Stormwater systems that recycle and deal with their Stormwater runoff.

He explained that the plans for the North Precinct are the result of problems that have existed around the School for the Blind for the last several year. This is not a recent effort, it has been in the planning stages for a couple of years and is in response to the crime problems in this area. Including, the drive-by shooting that killed a child in this area a few years ago.

The 9 1 1 Football Challenge last Saturday, was a great game on a beautiful day. He commended the Blue Knights and the Inferno's for putting on this fund raiser to benefit the Police Athletic League, which funds equipment for neighborhood youth athletic teams.

ADJOURNED 10:15 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS MAY 13, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly

ABSENT: Councilmember Novak

The Invocation and Pledge of Allegiance were led by Councilmember Benavides

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a Resolution of Tribute to our Sister City, Saltillo, Mexico

2. From Councilmember Beal; a request for a Special Ceremony for Presentation of a Proclamation by Mayor Hollister to Stefanie Whitbeck Chair of the Historic District Commission

3. From Councilmember Beal; a letter from Betty Kost of 1425 McIntrye Court, Secretary to the Reo Historical Marker Committee requesting donations for the placement of the Historical Marker at the old Diamond Reo site

4. From Councilmember Lilly; a resolution of Grant Acceptance for Assistive Listening Equipment for installation at Oldsmobile Park

Carried unanimously

SPECIAL CEREMONIES

A. David Wiener, Executive Assistant to Mayor Hollister, presented a Proclamation declaring May 13-18, 1996 as Historic Preservation Week in Lansing to Stefanie Whitbeck, Chair of the Historic District Commission. Ms. Whitbeck encouraged everyone to visit the City Hall Lobby to see the Display on Lansing's Historic sites, and to take the Tour of Turner Dodge Mansion that will be conducted tomorrow night. Additionally, on Wednesday evening from 5:00 to 8:00 at the Lansing Room of the Public Library there will be a seminar on how to research property, public or private, for historic significance, and on Sunday there will be a walking tour of Lansing's Historic Areas beginning at the corner of Ionia and Chestnut at 2:00 P.M.

PUBLIC HEARINGS

A. In Consideration of Z-01-96, 1405 Center St., Rezoning Petition from "H" Light Industrial to "C" Residential District, filed by Scott McLain to bring the zoning into conformance with the current use as single family residence

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In Consideration of Z-02-96, Vacant Property, SW Corner Oakland & Cedar St., Rezoning Petition from "C" Residential to "F" Commercial District filed by Thomas P. DeBoer to allow for construction of a 4,250 square foot building with 2 drive-in bays for auto glass replacement

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

C. In consideration of an Amendment to Add a New Chapter, Chapter 1050 for the purpose of providing for the Hearing of Appeals on Charges or Fees, without first requiring prepayment of the same

Connie Delaney of 3721 Aurelius Rd. spoke in opposition to this Ordinance, saying, that we do not need an ordinance amending the appeals process. Council has the ultimate authority over Stormwater Fees.

Helen Fiser of 12100 S. Cork in Morrice stated that she does not support this ordinance. It is an amendment to an Ordinance that should not exist in the first place.

John Campanile of 4902 Tressa Dr. said that he supports this amendment, but, it does not correct the real problem, which is that City Hall is charging people a rainwater fee. Soon, they will begin charging a "breathing the air fee."

Lloyd Teets of 116 E. Elm St. spoke in support of this Ordinance, amending Chapter 1050. The City should not demand payment of fees prior to allowing the Appeals Process to go forward. He stated that some people have been privileged to appeal their fees through the Mayor's Office rather than following the procedure set forth in the ordinance, like the Churches and Liskey's. He said that he has spoken with people who have filed their appeal and gone through a 10 minutes appeals

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hearing, but were not given the results of their appeal. They were told they would be notified of the results within 60 days. This is ludicrous and should not be allowed. The City should not need 60 days to make a decision on an appeal.

Tom Lafferty of 1806 W. Michigan Ave. said that there is no due process in the appeals procedure and that he has filed for an appeal of his Stormwater Enterprise Fund fee.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. In consideration of an Amendment to Chapter 206, The Purchasing Ordinance, for the purpose of requiring the Evaluation of a Bidder's Commitment to the Hiring of City Residents in Determining the Lowest and Most Responsible and Responsive Bidder; to Establish an Annual Goal for the Participation of Minority, Women and Handicapper Business Enterprises in City Procurement Contracts; and to Establish a Bid Preference for Lansing Based Bidders and Offerors on Certain City Contracts

Mr. Wiener summarized the provisions of this ordinance.

Michael Nystrom, Assistant Executive Director of Associated Underground and Road Contractors, said that there are no companies that provide his type of services within a 30 mile radius of the City of Lansing.

Lloyd Teets of 116 E. Elm St. said that he approves of the Ordinance, however, he has a problem with the establishment of a goal for the participation of minority and women owned businesses. This is too much like a quota for comfort. Additionally, there are many businesses which would not have a large population of minority, women, or handicapper's as owners. He doubts that they can meet the goal of 20% participation among these groups. He requested that this language be amended to reflect the City's commitment to encourage minority, women, and handicapper owned businesses within the City of Lansing to submit bids on projects.

John Campanile of 4902 Tressa asked if minority, women, and handicapper owned businesses would be required to pay union wages. Mr. Wiener responded that they would have to comply with the prevailing wage requirements of the Purchasing Ordinance.

Gretchen Couraud of 1881 Ridgewood, Senior Vice President of Government Affairs and Community Development at the Chamber of Commerce, said that they oppose this ordinance. This is counter to their efforts to foster cooperation on a regional basis. This ordinance would establish another level of bureaucracy within the bidding procedures and add to the paperwork required by businesses, and thus, their cost of doing business. Additionally, this ordinance would be very difficult to enforce. This is bad policy and contradicts the free enterprise system. It should be the goal of City Government to reduce the cost of living in and doing business in Lansing. This would help everyone and ensure better odds for businesses within the City of Lansing.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENT

Connie Delaney of 3721 Aurelius Rd. said that the City of Lansing filed an NPDES Permit in 1990. This was for non-residential property and did not require compliance by residential users in the City, yet, they are the largest group affected by the Stormwater Enterprise Fund. This permit deals with the treatment of stormwater prior to it's introduction to the Grand River and the separation of sewers, it does not require all of the other projects that have been added to the CSO Project.

Helen Fiser of 12100 S. Cork in Morrice asked for a hearing on the State of Michigan Department of Environmental Quality NPDES Permit issued to the City of Lansing. She stated that CARTO will write to Russell Harding the DEQ Director with their request also.

Ollie Berryhill of 322 Carrie St. presented pictures of his property to Mayor Hollister. He protests his rain tax fee (Stormwater Enterprise Fund fees), because his property is covered in standing water throughout the year. Obviously the system is doing him no good at all. This was not the case when he was a resident of the Township, before they were annexed into the City. They have appealed to several different departments within City government for assistance, but nobody will help them. They being billed for additional services, which they do not receive.

Alexander Bolt of 1230 Reo Rd. said that Mr. Berryhill has a very good, legitimate question. How can the City charge a fee to people who do not receive the service they are being billed for. The City agrees to reduce the fee by 25%, if you do not receive stormwater services, and by 50%, if you receive neither stormwater, nor sanitary sewer services. Ultimately, people who do not receive the service in any way still wind up paying 50% of the fee. This is a tax not a fee for voluntary services. He claimed that the MDNR does not have any copies of reports showing that the City of Lansing dumps 14,000 gallons of sewage into the Grand River every year. He repeated his previous threats to recall Councilmembers, if they do not repeal this ordinance. This time they will have twice the amount of people working for them as they had before, because this fee affects every single property owner in the city. They City Attorney has informed him that the cost for copying documents he has requested would amount to $14,000.

City Attorney Smiertka directed Mr. Bolt's attention

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TO THE FACT THAT HE CAN COME INTO HIS OFFICE AND REVIEW THE MATERIAL HE REQUESTED AT NO CHARGE. THE COST ONLY APPLIES WHEN HE REQUESTS THAT THE MATERIAL BE DUPLICATED.

WALTER RHODES OF 1427 MCINTYRE CT. STATED THAT HE HAS CONTACTED MANY MICHIGAN CITIES TO SEE WHAT TYPE OF SEWER SEPARATION PROJECTS THEY HAVE IMPLEMENTED AND THE COST TO RESIDENTS. THE RESULTS HE RECEIVED SHOW THAT LANSING'S SANITARY SEWER AND STORMWATER FEES ARE THE HIGHEST OF ANY CITY IN THE UNITED STATE.

ROGER ROBINSON OF 609 ARMSTRONG QUESTIONED THE NECESSITY OF THE CSO PROJECT.

MARK EGGLESTON OF 4001 HEATHGATE SAID THAT THE RESIDENTS OF THE CITY HAVE NOT GOTTEN REPRESENTATIVE REPRESENTATION ON CITY COUNCIL IN THE MATTERS OF: EARLY RETIREMENT, CIVIL RIGHTS, STREET NAME CHANGES AND ON THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES). IN SHORT, THEY DO NOT RECEIVE ACCURATE REPRESENTATION ON ANY ISSUES OF SUBSTANCE. HE PLEDGED HIS SUPPORT TO CARTO, BECAUSE, HE DOES NOT WANT LANSING TO BE KNOWN AS THE HOME OF THE DICTATORS.

LLOYD TEETS OF 116 E. ELM ST. SAID THAT THE AVERAGE HOMEOWNER PAYS $72.00 PER YEAR IN RAN TAXES. HE CALLED THIS THE BIGGEST TAX RIP-OFF IN THE HISTORY OF THE CITY. HE CLAIMED THAT THE RESIDENTS ARE STUCK WITH THIS TAX IN THE INTERESTS OF PROTECTING CERTAIN SPECIAL INTEREST AND POLITICAL GROUPS. HE STATED HIS SUPPORT OF THE COUNCIL RULE REVISION, HOWEVER, IF TOWN HALL MEETINGS ARE GOING TO CONTINUE TO BE HELD ON THE 5TH MONDAY OF THE MONTH, THE AGENDAS FOR THOSE MEETINGS SHOULD NOT CONTAIN ANY OTHER BUSINESS.

TOM LAFFERTY OF 1806 W. MICHIGAN AVE. SAID THAT THE QUALITY OF EFFLUENTS BEING DISCHARGED BY THE CITY OF LANSING INTO THE GRAND RIVER HAS ALWAYS BEEN HIGHER THAN THOSE OF OTHER COMMUNITIES.

COMMUNICATIONS AND PETITIONS

BY COUNCILMEMBER ALLEN

THAT COMMUNICATIONS AND PETITIONS BE CONSIDERED AS BEING READ IN FULL AND THAT THE PROPER REFERRALS BE MADE BY PRESIDENT JONES

CARRIED UNANIMOUSLY

A. SLU-04-96, 821-825 N. PENNSYLVANIA, SPECIAL LAND USE PETITION FILED BY CATHOLIC SOCIAL SERVICES/ST. VINCENT HOME, INC., TO ALLOW FOR PROVISION OF DAY CARE SERVICES AT BALLENTINE STEPPING STONES TO FAMILIES IN THE HOMELESS SYSTEM

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. SLU-03-96, 1149 S. WASHINGTON AVE., SPECIAL LAND USE PETITION FILED BY JEFFERY A. ARNOLD OF 1149 S. WASHINGTON AVE. TO ALLOW FOR USE OF THE FIRST FLOOR OF THE BUILDING AS A CHURCH

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. SLU-05-96, 230 N. SYCAMORE, SPECIAL LAND USE PETITION FILED BY JOANN STODDARD AND KATRINA WALTON TO ALLOW FOR EXPANSION OF THEIR ADULT FOSTER CARE FACILITY

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Z-08-96, 500 W. SAGINAW, REZONING PETITION FILED BY 1-DAY SIGN TO ALLOW FOR DEVELOPMENT OF A FACILITY FOR THE MANUFACTURING AND SALE OF COMPUTER GENERATED SIGNS

REFERRED TO THE MAYOR AND THE PLANNING BOARD

E. CLAIM APPEAL FILED BY LTG. VERNON J. ANDREWS OF 1348 CAMBRIDGE RD.

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON GENERAL SERVICES

F. LETTER FROM THE STATE OF MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY REGARDING MANDATES IN EFFECT REQUIRING CITY OF LANSING COMPLIANCE WITH CSO CONTROL PROGRAMS

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

G. LETTER FROM THE STATE OF MICHIGAN DEPARTMENT OF TREASURY SUBMITTING 1996 MILLAGE ROLLBACK PROCEDURES FOR MICHIGAN COMPILED LAW (MCL) 211.34D (HEADLEE) MILLAGE REDUCTION FRACTIONS, TRUTH IN ASSESSMENT UNDER MCL 211.34, TRUTH IN COUNTY EQUALIZATION UNDER MCL 211.34, TRUTH IN TAXATION ROLLBACKS UNDER MICHIGAN COMPILED LAW (MCL) 211.24E, AND THE "COUNTIES ONLY" ROLLBACKS BASED ON THE CONVENTION FACILITIES AND CIGARETTE TAX COLLECTIONS

REFERRED TO THE MAYOR

H. PETITION SIGNED BY 10 RESIDENTS SUPPORTING THE LOCATION OF A SOUTH SIDE COMMUNITY CENTER IN WASHINGTON PARK

REFERRED TO THE COMMITTEE OF THE WHOLE

I. LETTER FROM THE INGHAM COUNTY CONTROLLER SUBMITTING INGHAM COUNTY 911 SERVICE PLAN PROPOSED AMENDMENTS

REFERRED TO THE MAYOR

J. LETTER FROM RAMAYNE E. HICKS OF 110 E. ALLEGAN REGARDING THE PORTION OF HIS BUILDING THAT IS USEABLE AND SUBJECT TO ASSESSMENTS BY THE CITY

REFERRED TO THE MAYOR

K. PETITION SIGNED BY 95 PARENTS FROM MAIN ST. CHILD CARE CENTER REQUESTING CITY FUNDING FOR THEIR FACILITY

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REFERRED TO THE COMMITTEE ON WAYS AND MEANS

L. Letter from Brenda Fernholz, Employee of 54-A District Court, requesting that they be placed in the Defined Benefit Retirement Plans of the G.E.R.S. rather than in the Defined Contribution Plan

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

M. Postcard from Irene M. Ferguson of 218 E. Elm St. in opposition to the Civil Rights Ordinances

RECEIVED AND PLACED ON FILE

N. Letter from Catholic Social Services/St. Vincent Home for Children requesting funding from the City to keep their programs viable

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister had not comments at this time

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Peddler:	Richard E. Gee
Wastehauler:	Lansing Lawn & Snow, Inc.
	Allied Disposal, Co., Inc.
	Capitol City Lawn Care, Inc.
	Granger Container Sic, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Lansing Equal Rights Task Force, et al v Lansing City Clerk

RECEIVED AND PLACED ON FILE

D. Letter from the Lansing Center submitting Interim Financial Statements for the Lansing Entertainment and Public Facilities Authority for Quarter Ended March 31, 1996

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

E. Letters from the Mayor re:

1/ Letter of Appreciation to Paul Teszlewicz and South Side Precinct Staff from Linda Williams, Area Coordinator/Watch 307 and three Everett High School Students

RECEIVED AND PLACED ON FILE

2/ Letter of Appreciation to Sherry McDonald, 911 Operator and Police Administration from Bradford Smith

RECEIVED AND PLACED ON FILE

3/ Letter of Appreciation from Michael L. McDonalds for the City's help with the Michigan Natural Resources Trust Fund 20th Anniversary Kickoff

RECEIVED AND PLACED ON FILE

4/ Article by Tom Turek from "The Weekly" regarding Oldsmobile Park

RECEIVED AND PLACED ON FILE

5/ Application for Critical Bridge Funding to MDOT

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON WAYS AND MEANS

6/ Notice of Funding Availability for Competitive Housing Opportunity for Persons with Aids Program

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON WAYS AND MEANS

7/ Notice of Funding Availability for Continuum of Care Homeless Assistance Program

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND WAYS AND MEANS

8/ Parking Regulation Change Request; Kensington Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9/ Parking Regulation Change Request; Eighth St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

10/ Parking Regulation Change Request; Mahlon St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

11/ Transfer of Funds: Finance Dept., LPD, Parks & Recreation Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

ROUTINE MATTERS FOR ACTION

RESOLUTION #0200

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BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS ' Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communications dated May 2, 1996, to Moores Park School;

AND BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies by May 17, 1996, may be disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0201
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, on November 20, 1995, this Council adopted Ordinance Number 926, which added a new Chapter 285 to the City Code to create a new Memorial Review Board consisting of eight members, and to specify the duties of the Board; and

WHEREAS, the Mayor has appointed L. Robert McConnell, 2820 Norwich, to the Board; and

WHEREAS, the Committee on General Services has waived the new appointee interview required by Council policy, knowing Mr. McConnell to be well-qualified for service on this Board, and recommends confirmation of the mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of L. Robert McConnell as the Third Ward representative to the Memorial Review Board, for a term to expire June 30, 1999.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0202
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Lansing Hotel Management Company, Inc. (Stockholders: Ayoub J. Bakal, West Bloomfield, Michigan, and Eddie Bakal, Farmington Hills, Michigan), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1995 Class B-Hotel licensed business with Dance Permit, located at 3121 East Grand River Avenue and doing business as Quality Inn, from 3121 East, Inc.; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Lansing Hotel Management Company, Inc. (Stockholders: Ayoub J. Bakal, West Bloomfield, Michigan, and Eddie Bakal, Farmington Hills, Michigan), to transfer ownership of a 1995 Class B-Hotel licensed business with Dance Permit, located at 3121 East Grand River Avenue and doing business as Quality Inn, from 3121 East, Inc., is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

RESOLUTION #0203
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Dueling Pianos, Inc. (stockholders: Francis A. Scozzafave and Michael A. Scozzafave, both of 1616 Opaline Drive, Lansing), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1994 Class C licensed business, located in escrow at 6435 South Cedar Street (formerly Golden Gate Restaurant), from Delhi Family Restaurant, Ltd., to transfer location to 601 East Michigan Avenue, and to request addition of a new Dance-Entertainment Permit; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

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NOW, THEREFORE, BE IT RESOLVED BY THE LANSING CITY COUNCIL THAT THE REQUEST FROM DUELING PIANOS, INC. (STOCKHOLDERS: FRANCIS A. SCOZZAFAVE AND MICHAEL A. SCOZZAFAVE, BOTH OF 1616 OPALINE DRIVE, LANSING), TO TRANSFER OWNERSHIP OF A 1994 CLASS C LICENSED BUSINESS, LOCATED IN ESCROW AT 6435 SOUTH CEDAR STREET (FORMERLY GOLDEN GATE RESTAURANT), FROM DELHI FAMILY RESTAURANT, LTD., TO TRANSFER LOCATION TO 601 EAST MICHIGAN AVENUE, AND TO REQUEST ADDITION OF A NEW DANCE-ENTERTAINMENT PERMIT, IS HEREBY RECOMMENDED FOR APPROVAL.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #0204
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CLERK HAS FORWARDED AN APPLICATION FOR A CITY LICENSE, WHICH HAS BEEN ROUTINELY PROCESSED WITHOUT OBJECTION AND IS READY FOR FINAL ACTION BY THIS COUNCIL; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES RECOMMENDS THAT THE LICENSE BE APPROVED;

NOW, THEREFORE, BE TT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE FOLLOWING APPLICATION FOR CITY LICENSE:

PEDDLER/TRANSIENT MERCHANT: RICKY J. NELSON, OF 6122 BRIARWICK CT. EAST LANSING, TO SELL SPORTSWEAR CLOTHING OUTDOORS AT JOLLY/PLEASANT GROVE

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #0205
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THIS COUNCIL APPROPRIATED $20,000 IN THE FY96 GENERAL FUND BUDGET TO CREATE AN ACCOUNT TO PAY CERTAIN COSTS OF USE OF THE LANSING CENTER BY COMMUNITY ORGANIZATIONS; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS REVIEWED A REQUEST FOR PAYMENT OF SUCH COSTS FROM THE MAYOR'S OFFICE FOR THE 20TH ANNUAL MICHIGAN BILINGUAL EDUCATION CONFERENCE AND THE 6TH ANNUAL CITY OF LANSING SYMPOSIUM ON CULTURAL DIVERSITY, TO BE HELD MAY 22-24, 1996; AND

WHEREAS, THE COMMITTEE HAS RECOMMENDED THAT FUNDS IN THE AMOUNT OF $4,800.00 BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES A CHARGE IN THE AMOUNT OF $4,800.00 TO ACCOUNT #101173901-741200-0 FOR LANSING CENTER COSTS OF THE 20TH ANNUAL MICHIGAN BILINGUAL EDUCATION CONFERENCE AND THE 6TH ANNUAL CITY OF LANSING SYMPOSIUM ON CULTURAL DIVERSITY, TO BE HELD MAY 2224, 1996; AND

AND BE IT FURTHER RESOLVED THE CLERK IS REQUESTED TO FORWARD THIS RESOLUTION TO THE FINANCE DIRECTOR FOR ACTION.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #0206
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THIS COUNCIL APPROPRIATED A TOTAL OF $43,000 IN THE FY96 GENERAL FUND BUDGET TO THE COMMUNITY PROMOTIONS ACCOUNT, FOR THE PURPOSE OF ASSISTING WITH THE EXPENSES OF LARGE COMMUNITY-ORIENTED EVENTS; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS REVIEWED A REQUEST FROM THE GIER ADVISORY BOARD FOR A DONATION OF $500 PLUS $100 TO COVER CITY SHOWMOBILE COSTS TOWARD THE EXPENSES OF AN OPEN HOUSE CELEBRATING THE 20TH ANNIVERSARY OF THE GIER COMMUNITY CENTER, TO BE HELD MAY 30, 1996; AND

WHEREAS, THE COMMITTEE HAS RECOMMENDED THAT FUNDS BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY AUTHORIZES A CHARGE IN THE AMOUNT OF $600.00 TO ACCOUNT #101112101-741200-0 TOWARD THE EXPENSES OF THE GIER COMMUNITY CENTER OPEN HOUSE ON MAY 30, 1996; AND

AND BE IT FURTHER RESOLVED THE CLERK IS REQUESTED TO FORWARD THIS RESOLUTION TO THE FINANCE DIRECTOR FOR ACTION.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #0207
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE COMMITTEE OF THE WHOLE HAS RECOMMENDED CHANGES TO COUNCIL RULE #16 AND RULE #19, REGARDING ORDER OF BUSINESS AND PUBLIC

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COMMENT AT COUNCIL MEETINGS, TO RETURN TO REGULAR BUSINESS MEETINGS AT MONDAY SESSION OF COUNCIL, EXCEPTING FIFTH MONDAY MEETINGS, WHICH WOULD CONTINUE TO BE USED AS TOWN FORUMS; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS PREPARED AMENDMENTS TO ACCOMPLISH THIS OBJECTIVE, AND FURTHER RECOMMENDS THAT A TIME LIMIT OF FIVE MINUTES PER SPEAKER BE ESTABLISHED FOR SCHEDULED PUBLIC HEARINGS;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY INTRODUCES AMENDMENTS TO RULE #16 AND RULE #19 OF THE CITY COUNCIL RULES FOR ACTION AT THE NEXT REGULAR MEETING.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #0208
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$11,515	Labor Rel.-Salaries & Long. 101-173162-702000-0	
$ 6,100	Labor Rel.-Prof. Services 101-173162-743000-0	
$ 1,700	Labor Rel.-Arbitration Fees 101-173162-743400-0	
$11,515		Budget-Equip. 101-173161-977000-0
$ $1,700		Labor Rel.- Misc. & oper. 101-173162-741000-0
$ $6,100		Labor Rel.-Equipment 101-173162-977000-0

(FUNDING, WITH CHANGE OF INTENT, TO PURCHASE REPLACEMENT COMPUTERS, MONITORS, TWO PRINTERS, AND TWO NETWORK SERVERS. BUDGET PROJECT WILL PROVIDE NETWORK CAPACITY TO LINK WITH MAYOR AND CLERK, AND EVENTUALLY LINK WITH FINANCE OPERATIONS. LABOR RELATIONS PROJECT WILL PROVIDE INTERNAL NETWORK TO SHARE BARGAINING UNIT CONTRACT INFORMATION AND ON-LINE RESEARCH CAPABILITY, WITH CAPACITY FOR FUTURE LINKS TO MAYOR'S OFFICE AND PERSONNEL.

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$7,000	Est. Revenues-General Fund101-0-170001-0	District Court Expenditures101-132200-992200-0
$7,000	Est. Revenues-District Court 760-0-170001-0	Professional Services 760-132210-743000-0

(REVENUE DETAIL ACCOUNTS 101-0-666100-0, DISTRICT COURT REVENUES & 760-0-661150, INTENSIVE SUPERVISION PROGRAM. ADDITIONAL FUNDING DUE TO INCREASED VOLUME OF OUIL CASES PROSECUTED UNDER CITY ORDINANCE. FUNDS PROBATION CONTRACT FOR ALCOHOL ASSESSMENT BY OUTSIDE VENDOR.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,000	Police-oper. Trans-Grants 101-343251-991273-0	Police-Control 101-343201-992200-0
$1,000	Parks-Com. Ctr Salaries 101-783831-702000-0	Parks-Control 101-783870-992200-0
$1,000	Comm. Sup. Ag.-Low Income Sub.101-834101-992200-0	
$1,000	Police-Control 101-342201-992200-0	
$1,000	Parks-Control 101-783870-992200-0	
$3,000		Black Child/Family Inst. 101-834101-960168-0

(CONTRACT FOR GRAFFITI REMOVAL THROUGH JUNE 30, 1996.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$8,000	Gen. Admin.-Fringe Ben. 101-173901-715000-0	Gen. Admin.-Ctrl 101-173901-992200-0
$8,000	Gen Admin.-Ctrl 101-173901-992200-0	Pl/Neigh. Devel.-Ctrl 101-172601-992200-0
$8,000	Pl./Neigh. Devel.-Ctrl 101-172601-992200-0	Comm. Beautification. 101-172620-741885-0

(ADDITIONAL FUNDING NEEDED TO FILL REQUESTS FOR NEIGHBORHOODS IN BLOOM PROGRAM. FUNDING SUPPLEMENTS ORIGINAL GF APPROPRIATION, CD FUNDING, AND DONATIONS.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$425	Est. Rev. -Gen. Fund101-0-170001-0	Pl./Neigh. Devel. Control 101-172601-992200-0

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$425	Pl./Neigh. Devel. Control101-172601-992200-0	Comm. Beautification 101-172620-741885-0

(Revenue detail account 101-0-675004. Donations from Gorsline-Runciman ($50), First of America ($250), Boyd Insurance Agency ($50), Auto Body Credit Union ($25), and Tom's Shop Rite ($50).

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$778,802	Est. Rev.-State & Fed. Prog. 273-0-170001-0	'96 Resurf. Federal 273-933601-974103-18822

(Revenue detail account 273-0-501001-18822. MDOT project agreement #STU 33404, 40066 for use of Federal STP funds for major maintenance of major streets. City share of expenses to be charged to 202-453601-974100-50002 Major Maint.-Major Streets ($172,697). Repaving includes portions of Jolly, Grand, Main, St. Joseph, Walnut, Pennsylvania and Capital.

AMOUNT TO TRANSFER	TRANSFER FROM ACCT. #	TRANSFER TO ACCT #
$1,500	City Clerk-Misc. & Oper. Exp. 101-172400-741000-0	
$3,000	City Clerk-Prof. Svcs 101-172400-743000-0	
$4,500		City Clerk-Equipment 101-172400-977000-0

(Purchase of computer, color scanner, digital point and shoot camera and peripheral equipment to be used by the City "webmaster" for the City Internet site.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$3,500	Gen. Admin.- Fringe Benefits 101-173901-715000-0	General Admin.-Control 101-173901-992200-0
$3,500	General Admin. -Control 101-173901-992200-0	City Clerk-Control 101-172400-992200-0
$3,500	City Clerk-Control 101-172400-992200-0	
$1,992		Wages-Temp. Help 101-172400-707000-0
$1,508		Overtime-Salary 101-172400-708000-0

(Additional funds necessary for canvassing petitions submitted by Majority Opposing Special Treatment.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT. #	TRANSFER TO ACCT #
$100	Est. Rev. Gen. Fund 101-0-170001-0	Police-Ctrl 101-343201-992200-0
$100	Police-Control 101-343201-992200-0	Donations-Prints for Life 101-343201-741894-0

(Revenue detail account 101-0-675000. Donation from First of America Bank Corporation to be used for fingerprinting and photographic supplies for program.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,000	Human Rel./Comm. Serv.-Overtime 101-672500-708000-0	HRCC-Control 101-672500-992200-0
$1,000	HRCC Control 101-672500-992200-0	Gen. Admin.-Control 101-173901-992200-0
$1,000	General Admin.-Control 101-173901-992200-0	Gen. Admin. HRCC Educ./Conf. 101-173901-747027-0

(Funding for minority procurement conference and other training needs through June 30, 1996.)

By Councilmember Leeman

Carried unanimously

RESOLUTION #0209

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, due to financial constraints the Lansing School District can no longer afford to subsidize the Main Street Day Care Center; and

WHEREAS, the parents of children enrolled at Main Street have worked with school administrators and school board to develop a plan to eliminate any school district subsidy; and

WHEREAS, the City Council Committee on Intergovernmental Relations has met with parents and board members to review the proposed plan; and

WHEREAS, financial assistance is requested to help bridge the gap from school district support to a fully self-supporting entity; and

WHEREAS, retention of quality child care facilities that serve to prepare children for success in grades K-12 are an intrinsic component of any world class city.

NOW, THEREFORE, BE IT RESOLVED that the council hereby authorizes the expenditure of $20,000 to

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the Lansing School District from the current available balance of $77,002 in the Human Services Discretionary account; and

BE IT FURTHER RESOLVED that if these funds are not expended for this purpose then the policy of this council is to hold the authorized funds in the amount of $20,000 in abeyance, and such funds shall not be expended for any other purpose until so authorized by City Council; and

BE IT FINALLY RESOLVED that the Director of Parks and Recreation is directed to meet with Main Street parents and school officials to assess and implement opportunities for summer recreation at this facility, and to report back in writing to the City Council within thirty days from the date of this policy's adoption.

By Councilmember Leeman

Carried unanimously

RESOLUTION #0210
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submit an Annual Consolidated Strategy and Plan Submission (CSPS) in order to receive community development fund resources, including Community Development Block Grant (CDBG) , HOME and Emergency Shelter Grant (ESG) program funds, for the upcoming fiscal year 1996-97; and

WHEREAS, the estimated CDBG, HOME Program and ESG entitlement amount allocated to Lansing for the upcoming fiscal year is $3,732,000, with an additional amount of $1,023,000 in program income derived from the CDBG Program available; and

WHEREAS, pursuant to program requirements, the City has conducted a citizen participation and open review process which has included planning and meetings with neighborhood groups, housing and supportive service providers, the State and neighboring local governments; and

WHEREAS, the City has further promoted participation, input and review in the process by conducting two (2) separate advertised public hearings before the Lansing Planning Board, one on housing and community development needs and one on proposed Annual CSPS program objectives and projected use of Federal entitlement and formula program funds; and

WHEREAS, the City did also initiate and carry out the required thirty (30) day public comment period on the proposed Annual CSPS by publishing a summary of the plan in the Lansing State Journal on March 14, 1996; and

WHEREAS, a public hearing was held by the Lansing City Council on April 15, 1996, to again receive citizen comments and recommendations and to give final review to the Annual CSPS; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the City's Annual CSPS application;

WHEREAS, The Committee of the Whole has reviewed the Annual CSPS and recommends that the Plan be approved with the amendment that the contingency fund be reduced $6,400.00 and that these funds be programmed to finance the Community Police Recreation Program for FY 96-97 as a public service activity;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the Annual Consolidated Strategy and Plan Submission for the City of Lansing that includes housing and community development goals, objectives and strategies, and the budget for the use of community development fund resources for fiscal year 1996-97 as proposed by the Committee of the Whole; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, is hereby authorized to sign the Annual CSPS application for FY 96-97, including all understandings, assurances and certifications contained therein, and to submit the grant application to the Department of Housing and Urban Development; and

BE IT FINALLY RESOLVED that the Mayor is authorized, as the official representative of the City of Lansing, to provide any and all information, to act in connection with the Annual CSPS application and to execute all agreements, contracts and legal documents, including the Agreement between the City and the Department of Housing and Urban Development, to secure and implement the CSPS program.

By Councilmember Beal

Carried unanimously

RESOLUTION #0211
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, at a ceremony on Monday, May 20, 1996, Mayor Hollister and The Honorable Miguel Arizpe Jiménez, Mayor of Saltillo, will sign the English language version of the Sister City Agreement between our communities; and

WHEREAS, Saltillo is the capital city of Coahuila, the third largest state and sixth-largest economy in Mexico, with industry and commerce making up 72 percent of economic activities; and

WHEREAS, known throughout its 400-year history as "The City of Flowers and Health", Saltillo is rich in culture, with archives of the distant past as well as work of contemporary artists; and

WHEREAS, Mayor Arizpe and leaders of Saltillo

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BUSINESS AND INDUSTRY HAVE HAD THE VISION AND FORWARD-THINKING TO PREPARE THEIR COMMUNITY FOR ECONOMIC DEVELOPMENT THROUGH THE NORTH AMERICAN FREE TRADE AGREEMENT; AND

WHEREAS, THE MEMBERS OF CITY COUNCIL OF MICHIGAN'S CAPITAL CITY ARE HONORED TO RECEIVE THE MAYOR OF OUR SISTER CITY IN MEXICO;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY WELCOMES THE HONORABLE MIGUEL ARIZPE JIMÉNEZ, MAYOR OF SALTILLO, AND REQUESTS THAT HE CARRY OUR WARMEST, BEST WISHES TO THE PEOPLE OF HIS CITY.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #0212
BY COUNCILMEMBER LILLY
ACCEPTANCE OF GRANT FOR
ASSISTIVE LISTENING DEVICES

WHEREAS, THE CITY OF LANSING REQUESTED THE ASSISTANCE OF THE CAPITAL REGION COMMUNITY FOUNDATION TO PURCHASE SPECIALIZED EQUIPMENT TO BE USED AT OLDSMOBILE PARK TO BENEFIT DEAF/ HARD OF HEARING PATRONS, AND

WHEREAS, THE SPECIALIZED EQUIPMENT BEING REQUESTED IS A WIDE AREA ASSISTIVE LISTENING SYSTEM DESIGNED FOR USE BY INDIVIDUALS AT CONCERTS, PROGRAMS, GAMES AND ANY OTHER ASSEMBLIES AT THE STADIUM, AND

WHEREAS, EQUIPMENT SUITABLE FOR EIGHT (8) INDIVIDUALS WILL INCLUDE TRANSMITTERS, RECHARGEABLE BATTERIES, RECEIVERS, CABLE AND OTHER ASSOCIATED EQUIPMENT FOR A TOTAL COST OF $2,800.00, AND

WHEREAS, THE CAPITAL REGION COMMUNITY FOUNDATION HAS REVIEWED THE REQUEST OF THE CITY OF LANSING AND HAS AGREED TO FUND THE REQUEST IN THE AMOUNT OF $2,800.00;

NOW THEREFORE BE IT RESOLVED, THAT THE LANSING CITY COUNCIL ACCEPT FUNDS FROM THE CAPITAL REGION COMMUNITY FOUNDATION IN THE AMOUNT OF $ 2, 800. 00 TO PURCHASE AN ASSISTIVE LISTENING SYSTEM FOR UP TO EIGHT (8) INDIVIDUALS TO BE INSTALLED AT OLDSMOBILE PARK.

BE IT FURTHER RESOLVED, THAT THE ADMINISTRATION BE DIRECTED TO ESTABLISH THE APPROPRIATE ACCOUNTS TO RECEIVE THESE FUNDS.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

COUNCILMEMBER LILLY WAS EXCUSED FROM, AND LEFT THIS MEETING OF THE CITY COUNCIL AT 8:50P.M.

COMMITTEE OF THE WHOLE DISCUSSION

BY COUNCILMEMBER BEAL

THAT THE COUNCIL DO NOW RESOLVE ITSELF INTO A COMMITTEE OF THE WHOLE TO CONSIDER:

PRESIDENT JONES DECLARED A FIVE MINUTE RECESS. THIS SESSION OF THE LANSING CITY COUNCIL RECESSED AT 8:40 P.M. AND WAS RECONVENED BY PRESIDENT JONES AT 8:45 P.M.

A. PRESENTATION BY YOUTH VIOLENCE PREVENTION COALITION

THE COMMITTEE RECEIVED A REPORT FROM INGHAM COUNTY COMMISSIONER ANNE SMILEY, ALONG WITH DR. HOFFMAN AND SHELLY BAUER, MEMBERS OF A 21 MEMBER PANEL ON YOUTH VIOLENCE PREVENTION. THE REPORT OF THE PANEL WAS DISTRIBUTED TO COUNCILMEMBERS. DR. HOFFMAN AND MRS. BAUER REVIEWED THE FINDINGS OF THE PANEL AND RESPONDED TO QUESTIONS FROM COUNCILMEMBERS.

THEIR PANEL FOUND THAT THE INCIDENCE OF VIOLENT CRIME IS VERY HIGH IN INGHAM COUNTY. ADDITIONALLY, INGHAM COUNTY HAS THE THIRD HIGHEST RATE OF CHILD ABUSE IN THE STATE OF MICHIGAN. THIS IS DESPITE THE FACT THAT THE COUNTY ENJOYS AN ABUNDANCE OF SUPPORT AND HELP GROUPS FOR PARENTS AND CHILDREN. THEY HAVE FOUND THAT PEOPLE HAVE PROBLEMS WITH TRANSPORTATION TO GET TO THE AGENCIES. THEY HAVE TAKEN A MULTI-LEVEL APPROACH, INCLUDING SEVERAL DIFFERENT AGE GROUPS. THEY HAVE ASKED PARENTS, TEACHERS, STUDENTS, AND EDUCATORS TO DO ON-SITE IDENTIFICATION OF STEERING COMMITTEES. THESE STEERING COMMITTEES WOULD INCLUDE HIGH SCHOOL STUDENTS. THEY HAVE ASKED EACH SITE TO IDENTIFY A COORDINATOR. THEY ARE WORKING WITH ELEMENTARY AND MIDDLE SCHOOL STUDENTS ON CONFLICT IDENTIFICATION SKILLS AND WITH PARENTS, AND STUDENTS, ON CONFLICT MEDIATION.

THE STEERING COMMITTEES ARE BEING TAUGHT TO DEVELOP A COMPREHENSIVE NON-VIOLENT PLAN FOR ACTIVITIES. THIS IS THE THRUST OF THEIR ATTEMPTS TO CHANGE YOUTH ATTITUDES TOWARD VIOLENCE, CHANGE THEIR EXPECTATIONS OF VIOLENCE IN AND NEAR SCHOOLS, TO INCREASE THEIR EXPECTATIONS OF STAYING IN SCHOOL, AND TO CHANGE THE COMMUNITY'S GENERAL ATMOSPHERE.

MS. SMILEY ANNOUNCED A 24 HOUR RELAY CHALLENGE FUND RAISER AT MAJESKI FIELD HOUSE. THERE MAY BE AS MANY AS 40 TEAMS RUNNING IN THE EVENT, WHICH THEY HOPE TO SCHEDULE FOR JUNE 22, 1996 BEGINNING AT 10:00 A.M. THERE IS THE POSSIBILITY THAT THE EVENT MAY HAVE TO BE RESCHEDULED FOR LATE SUMMER.

COUNCILMEMBER ALLEN COMMENTED ON THE PANEL'S EFFORTS TO REACH CHILDREN WHO ARE INVOLVED IN VIOLENCE AT THE GRADE SCHOOL LEVEL, AND ABOUT THEIR CAPABILITY OF TRACKING THESE CHILDREN THROUGH

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various grade levels. In response to her comments, Dr. Hoffman reported that they are running after school programs with grade school and middle school children to teach alternatives to violence and violence prevention. They are teaching parents violence prevention and recognition skills. They are setting up a computer system to track referrals from grade schools through high school grade levels.

Councilmember Bauer thanked the members of the Panel and commended them on the work they have done on this project, which for some members, began about ten (10) years ago. She asked for advice on what people can do in their own homes to deal with violent behavior.

Ms. Smiley responded that people first need to look to their own behavior in terms of how they relate to others to see how they can de-escalate violent encounters, rather than escalate them. They need to say "what can I do differently", "how can I say something that can be helpful rather than hurtful."

President Jones added that the Media should be giving some attention to these kinds of programs. If they accorded 1/10 of the attention to problem solving that they accord to violent encounters it would help focus attention on programs for de-escalating violence. He asked the Panel members if they have any plans to expand this pilot program into other schools. Dr. Hoffman responded that they are seeking additional funding to expand the program, however, even if they do not receive the funding, they will share their knowledge with other people working at the various sites.

Councilmember Beal commented on the 'Peacemaker Program' at Gardner Middle School directed by Carol Lamphere. She commended Ms. Lamphere and Gardner's Principal Anne Boyer. She encourages efforts to address building skills for effective parenting.

Ms. Bauer agreed that parenting enhancement skills should start as soon as people become parents, particularly teenagers. This should begin right at the hospital. We need to begin teaching good parenting, how to love and how to bond immediately. Additionally, we need to identify gaps in service provision.

B. Summer Curfew Enforcement Program

Chief Boles presented a verbal report on the plans for summer enhancement of the Curfew Enforcement Program. They will follow the program implemented last year, with a few modifications. The programs is a cooperative effort between LPD, Lansing Parks & Recreation and Gateway Community Services. Tonight is the kickoff of the public awareness campaign to make people aware that we will be aggressively enforcing this ordinance throughout the summer, beginning on June 15th and running through Labor Day. The areas targeted for enforcement will be staggered on different nights of the week. The Southside Precinct will be the facility used for processing and holding of violators. This is where the kids will be held to await their parents picking them up. They will be processed and booked, just as if they were under arrest. Follow-up counseling services will be offered to the youth and their families. Lists of violators will be provided to problem solving teams. Gateway Community Services will provide a drug counselor, as well as an in-take counselor to work with the violators. The Counselors will also work with Probate Court to mitigate curfew charges against kids who have successfully completed Gateway programs. The curfew deadline for youths under the age of 12 years is 10:00 P.M. The curfew deadline for teenagers between the ages of 13-16 is 12:00 A.M.

He assured parents that violators that have been picked up and are deemed to be under the influence of controlled substances will be segregated from the other kids.

Parents will be told what their child's violation was, why they were picked up and the consequences of a second violation. On the second violation they will be issued a violation citation.

The cost of this program last year was $25,000. This year's cost is expected to be in the same area.

Councilmember Allen thanked Chief Boles and commended him on the success of this program last year. This is money that is very well spent. She urged residents who have problems of this nature in their neighborhood to report them to their Community Policing Team Members.

Councilmember Beal added her commendation to those of Member Allen's. This is a very important, effective program that worked very well last year. She has gotten a lot of positive feedback from talking to kids about the program.

President Jones said that the report on the Curfew Enforcement Program from last year was the most impressive report he has ever read. Chief Boles credited Murdock Jemmerson for that report.

C. Approval of Committee of the Whole Minutes of March 30, April 11, April 18, (Budget Hearings) and April 29, 1996

By Councilmember Allen

That the above listed minutes of the Committee of the Whole be approved

Carried unanimously

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By Councilmember Beal

That the Committee of the Whole Do Now Rise

Carried unanimously

PENDING MATTERS

A. EITP - Five Year Computer Plan

B. Land Proceeds/board of Water & Light

C. Ethics Ordinance Amendment (Chapter 290, Conflict of Interest)

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a Resolution of Tribute to our Sister City, Saltillo, Mexico

HANDLED AS RESOLUTION #0211

2. From Councilmember Beal; a request for a Special Ceremony for Presentation of a Proclamation by Mr. Wiener to Stephanie Whitbeck Chair of the Historic District Commission

THE RULES WERE SUSPENDED AND MR. WIENER PRESENTED A PROCLAMATION UNDER SPECIAL CEREMONIES

3. From Councilmember Beal; a letter from Betty Kost of 1425 McIntrye Court, Secretary to the Reo Historical Marker Committee requesting donations for the placement of the Historical Marker at the old Diamond Reo site

REFERRED TO THE MAYOR

4. From Councilmember Lilly; a resolution of Grant Acceptance for Assistive Listening Equipment for installation at Oldsmobile Park

HANDLED AS RESOLUTION #0212

MOTION OF EXCUSED ABSENCE

By Councilmember Beal

To Excuse Councilmember Novak from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

Helen Fiser of 12100 S. Cork in Morrice reported that she received information from the City Attorney's Office that Councilmember Novak asked to have mailed to her last week. She stated that, along with the information, she received a bill for the copying costs. This cost is not her responsibility, Councilmember Novak agreed to pay it out of his office holder's account. City Attorney Smiertka told Mrs. Fiser that what she received was not a bill requesting payment for the copying costs, rather, it was a statement of the costs incurred and charged to Councilmember Novak.

Connie Delaney of 3721 Aurelius Rd. said that it is possible for the City to modify it's NPDES permit and urged Council to pass a resolution setting a public hearing on this issue.

Ollie Berryhill of 322 Carrie St. said that his street is not due for new sewers until the year 2007. By that time, 55% of the current residents will not be living there. He offered to show Council pictures of a Public Service Employee shoveling a shovelful of hot black top into a pot hole filled with water.

Lloyd Teets of 116 E. Elm noted that no one has written a complaint to the Ethics Board asking them to investigate the stormwater scandal. He criticized the proposed amendment to the Ethics Ordinance, saying, it allows the City Attorney to do a preliminary investigation to take the politics out of the investigative process. He said that Council's act of sending the Ordinance back to the Ethics Board was a sham and scam. He stated that he was not opposed to the fact that Liskey's got a break on their rain tax (Stormwater Enterprise Fund fees), rather he is opposed to the fact that it did not go through the appeals process like everyone else.

Tom Lafferty of 1806 W. Michigan stated his opposition to the rain tax ordinance (Stormwater Enterprise Fund fees).

Ed Simmer of 2609 Dier announced a radio control car racing event to be held this Friday night at Logan Square beginning at 6:30 P.M.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked everyone who helped with the clean-up of Michigan Avenue. She complimented the "Be a Tourist In Your Own Town" event that was held last weekend and thanked the Convention/Visitors Bureau for sponsoring it. She noted that the Rotary Club has a project in the works to donate a Steam Clock for Wentworth Park.

Councilmember Beal reported that the final Budget Wrap-Up session will be held on Thursday with the Public Service Department being on the agenda. She asked Mr. Wiener to make sure that the businesses located north of Michigan Ave. are not blocked off by street closings for the 'Michigan Parades Into the 21st Century Parade' next weekend. Last year, vendors at the City Market, as well as Roma Bakery complained that their customers could not access them because of street closings from the parade.

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President Jones said that the Ethics Board will receive a revised version of the Ethics Ordinance this week and schedule a meeting for it's review by the public. He reported that the peonies are back on the Barnes Ave. median and so are the Tulips. The Budget Wrap-up session scheduled for this Thursday will deal with the LEPFA budget as well as the Public Service Department Budget.

Councilmember Benavides displayed a brochure from Oldsmobile regarding their display for the Oldsmobile Club of America. They will have a historical display of Oldsmobile cars at their Administration Building, also, this Sunday from 7:00 P.M. to 10:00 P.M. the cars will be on display at the Point After.

Councilmember Leeman responded to Mr. Teets comments about the proposed Ethics Ordinance. The Ethics Board is a group of eight (8) volunteers, he said, who put in a lot of time on this ordinance. All of the meetings in which the deliberated the ordinance were open to the public and anyone could have attended. Additionally, once the Board reported the draft ordinance out to Council, there was a Public Hearing, giving the public another opportunity for input. Now the Committee of the Whole has expressed it's concerns and sent the ordinance back to the City Attorney for further revisions. He will then submit the revised version to the Ethics Board for their concurrence and an opportunity for the public to have yet more input. It is unfair to criticize this volunteer board for the ordinance they drafted.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener thanked the public for their interest and comments on the stormwater issue. He asked that Council and the public pay particular attention to the letter from the Department of Environmental Quality.

ADJOURNED 9:50 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS MAY 20, 1996

AS AMENDED ON JUNE 24, 1996

CITY COUNCIL CHAMBERS
LANSING, MICHIGAN

THE CITY COUNCIL OF THE CITY OF LANSING MET IN REGULAR SESSION AND WAS CALLED TO ORDER AT 7:00 P.M. BY PRESIDENT JONES

PRESENT: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

ABSENT: NONE

THE INVOCATION AND PLEDGE OF ALLEGIANCE WERE LED BY COUNCILMEMBER NOVAK

APPROVAL OF MINUTES

BY COUNCILMEMBER ALLEN

TO APPROVE THE PRINTED COUNCIL PROCEEDINGS OF MAY 6TH AND MAY 13, 1996

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

BY COUNCILMEMBER ALLEN

TO ACCEPT THE FOLLOWING UNDER SUSPENSION OF THE RULES:

A. FROM COUNCILMEMBER ALLEN: A LETTER FROM KATHY LANGSCHWAGER, LANSING SCHOOL DISTRICT BOARD MEMBER, REQUESTING THE INSTALLATION OF SIGNS AT EASTERN HIGH SCHOOL COMMEMORATING THEIR ACADEMIC DECATHLON TEAM

B. FROM COUNCILMEMBER LEEMAN; A LETTER FROM EUGENE BUCKLEY OF 818 N. HAYFORD REGARDING SIGNS FOR PRIVATE, PROFIT ORIENTED BUSINESSES BEING PLACED IN THE PUBLIC RIGHT OF WAY

C. FROM COUNCILMEMBER NOVAK; THE OPINION OF JUDGE LAWRENCE M. GLAZER OF THE 33RD CIRCUIT COURT IN THE MATTER OF THE LANSING EQUAL RIGHTS TASK FORCE V LANSING CITY CLERK, CASE #96-83533-AW, CIVIL RIGHTS ISSUE

D. FROM COUNCILMEMBER NOVAK; THE OPINION OF THE SUPREME COURT OF THE UNITED STATES IN THE MATTER OF ROY ROMER, GOVERNOR OF COLORADO, ET AL V RICHARD G. EVANS ET AL; CIVIL RIGHTS ISSUE

E. FROM COUNCILMEMBER BEAL; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADDITION OF A SPECIAL CEREMONY FOR PRESENTATION OF A PROCLAMATION BY MAYOR HOLLISTER REGARDING AMERICAN PUBLIC WORKS WEEK

F. FROM COUNCILMEMBER LILLY; A LETTER FROM JOEL FERGUSON REGARDING HIS OFFER FOR THE PURCHASE OF PROPERTY LOCATED AT THE GRAND AVE./KALAMAZOO TRIANGLE PROPERTY

CARRIED UNANIMOUSLY

SPECIAL CEREMONIES

A. MAYOR HOLLISTER PRESENTED A PROCLAMATION DECLARING MAY 20, 1996 AS YOUTH PROGRESSIVE ACTION COMMITTEE DAY TO A GROUP OF YOUNG PEOPLE ON THE PROGRESSIVE ACTION COMMITTEE WHO DISTRIBUTED FUNDS THROUGHOUT THE COMMUNITY AND PERFORMED A NEEDS ASSESSMENT AMONG LANSING SCHOOL STUDENTS.

B. SUZY CARTER ANNOUNCED THE ANNUAL SAFETY PATROL PICNIC AT FRANCIS PARK, BEGINNING AT 9:30 A.M. AND LASTING UNTIL 1:00 P.M. ON WEDNESDAY, MAY 22, 1996. MAYOR HOLLISTER WILL PRESENT THE 'SAFETY OF THE YEAR AWARD'.

C. MAYOR HOLLISTER PRESENTED A PROCLAMATION DECLARING THE WEEK OF MAY 20-25 AS PUBLIC WORKS WEEK IN LANSING TO EMPLOYEES OF THE PUBLIC SERVICE DEPARTMENT.

PUBLIC HEARINGS

A. IN CONSIDERATION OF A SPECIAL ASSESSMENT ROLL #B-57 FOR PUBLIC IMPROVEMENTS IN THE FORM OF SIDEWALK REPAIRS OR CONSTRUCTION FOR 1996 SIDEWALK REPAIR CONTRACT, P.S. #01020, AREA BOUNDED BY DUNLAP ST., STABLER ST., HOLMES RD.., AND WASHINGTON AVE. ALSO THE AREA BOUNDED BY LAFAYETTE AVE., ANDREW AVE., N. GRAND RIVER AVE., AND GRANDELL AVE. ALSO CAMBRIDGE RD.. BETWEEN NOTTINGHAM RD.. AND MOORES RIVER DR., MOORES RIVER DR., BETWEEN CAMBRIDGE RD.., AND BOSTON BLVD., WELLINGTON ST. NORTH OF BOSTON BLVD., BLAIR ST. FROM WELLINGTON ST. TO BOSTON BLVD., AND PETTIS ST. FROM BOSTON BLVD. TO MOORES RIVER DR.

THERE WERE NO SPEAKERS FOR THIS PUBLIC HEARING

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

PUBLIC COMMENT

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Eugene Buckley of 818 N. Hayford displayed for Council a collection of signs advertising public and private enterprises that he has removed from posts and poles in the Public Right of Way. One of the signs, meant to be a permanent sign, was from the Army and another was from the Waverly School District. He stated that he has removed more than 100 of these signs, and there are many, many more out there. He requested that the Public Service Committee take up the question of how to more effectively enforce the sign code to prevent people from using the public right-of-way for free advertisement for their businesses.

Lloyd Teets of 116 E. Elm St. said that the entire budget process is full of fatal flaws. Basic services are not funded well enough, such as, Police, Fire and Public Services, while the budgets for other departments have increased significantly.

Paul M. Scott of 412 W. Kilborn disagreed with the statements made by Mr. Teets and said that the Budget priorities have been put in place properly. Council, he said, has made some difficult, but proper choices. Council has the authority to establish the Budget for the City and the Mayor implements that policy. This is true for the Public Relations Policy, too.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from First Housing Corporation of 4275 Five Oaks Dr. opposing the proposed Principal Shopping District Ordinance

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. Notice from the State of Michigan Department of Social Services of the following actions:

-Closing of an Adult Foster Care Small Group Home licensed to Nancy Bayes under the name of Jerome St. Community Inv. II at 738 N. Jenison St.

-Issuance of a License for an Adult Foster Care Small Group Home to Raymond & Carolyn Smith under the name of Jerome House at 3680 Churchill Rd..

REFERRED TO THE MAYOR

C. Letter from John D. Lee of 5510 Kaynorth Rd.. #12, requesting installation of a Speed Limit Sign on Kaynorth Rd..

REFERRED TO THE MAYOR, THE TRAFFIC BOARD AND THE COMMITTEE ON PUBLIC SAFETY

D. Petition from the Genesee Neighborhood Association in support of the closing and subsequent restoration of Bancroft Park

REFERRED TO THE MAYOR

E. Letter from Continental Cablevision regarding their application for provision of residential and business local telephone service

RECEIVED AND PLACED ON FILE

F. Letter from Robert Palmatter of 1800 Boston Blvd. appealing the Special Assessment for Sidewalk Repair at his property

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

G. Letter from the Alternative Education Program at the Lansing School District requesting a waiver of fees for the use of the Pavilion at Frances Park for their End-of-the-year celebration at Frances Park on June 11, 1996

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister introduced Greg Martin, the new Fire Chief, who assumed his position today, and welcomed him to the City.

He reported that the requests for donations to the Dedication Ceremony for the Diamond Reo Historical Marker, submitted last week by Betty Kost are being handled by the Parks and Recreation and Public Services Departments.

He sent his condolences to the Wes Clark family, who lost their son in an automobile accident last week, and asked that they be included in all our prayers.

He thanked Councilmembers Lilly and Jones for initiating the mediation meeting in which the contentious budget issues were ironed out. They reached agreement on the South Side Community Center, Road Rehabilitation and the North Side Precinct. He commended Councilmember Lilly for his candor and help and Councilmember

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Jones for his counsel in putting together agreements that would bring the City forward with the Budget Adoption process. He pledged his support to working with Council on the completion of these projects. The budget being adopted tonight is a good one that contains compromises from all parties.

Councilmember Allen thanked the Mayor for his cooperation on the Budget Adoption process and asked for a status report on the Transportation Center and the MUCC Building.

Mayor Hollister responded that the Transportation Center construction is slated to begin on July 1, 1996. The Michigan United Conservation Club has received offers from four (4) different developers on the MUCC building. Three of the four were outside of the City of Lansing. MUCC has reported reaching an agreement with one of the four. They are expected to make a public announcement later this week.

Councilmember Allen inquired into the disposition of a sculpture that used to be located behind the old Tarpoff's Building. Mayor Hollister reported that the sculpture has been moved to the REO Museum. It was made of old car parts.

Councilmember Leeman asked the Mayor about plans for reconstruction of the roof at Fire Station #8. This construction should not wait until the July 1, 1996 beginning of the new fiscal year. It needs to begin right away.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk submitting Licenses and Bonds for Referral:

Referral: Waste hauler:

-BFI Waste Systems of Michigan, Inc.
-Spartan Services
-Recyclers of Ingham, Eaton & Clinton Counties

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Stephen Lamar Hall v City of Lansing

RECEIVED AND PLACED ON FILE

D. Letters from the Mayor re:

1/ Transfer of Funds; Public Service, Fire, Finance, Planning, Parks & Rec.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Grant Acceptance; DNR Arbor Day Mini Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Grant Acceptance; Capital Region Community Foundation

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Offer to Purchase Diamond Reo Property South of Baker St. from South Baptist Church

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5/ Request for Community Use funds

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

6/ Grant Award; Consolidated Strategy Plan

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING AND THE COMMITTEE ON WAYS AND MEANS

7/ Letter of Appreciation to the Building Safety Department from Mikki Myszak

RECEIVED AND PLACED ON FILE

8/ Letter of Appreciation to Bob Johnson from Jorge A. Brea of Central Michigan University,

RECEIVED AND PLACED ON FILE

9/ Appointment of William Hubbell to the Memorial Review Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

10/ Appointment of Linda Headley to the Memorial Review Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

COMMITTEE REPORTS

RESOLUTION #213

REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the matter of design standards for

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pedestrian skywalks, following the skywalk accident near Maplewood School,

REPORTS AS FOLLOWS: The Committee received a verbal briefing from Pat Bush of the Transportation Division. Mr. Bush said that in 1988 the regulation for a skywalk required a minimum clearance of 14 feet. At the time the skywalk on South Cedar Street near Maplewood School was installed, its actual clearance was 15 feet, 2 inches. Since then, the MDOT has changed the design guidelines and increased the minimum clearance to 15 feet. The Transportation Division will be posting minimum clearances on each of the City's 22 skywalks, of which 18 are near schools or parks. Until the end of the current school year, Maplewood School children having to cross South Cedar will be bussed to and from school by the School District. The Transportation Division has placed an adult crossing guard at the South Cedar/Riley intersection, and extended the hours of operation of the intersection's traffic signal. This report is for information only.

Signed: Sandy Allen
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #214
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Committee of the Whole has recommended changes to Council Rule #16 and Rule #19, regarding order of business and public comment at Council meetings, to return to regular business meetings at Monday session of Council, excepting fifth Monday meetings, which would continue to be used as Town Forums; and

WHEREAS, the Committee on General Services has prepared amendments to accomplish this objective, and further recommends that a time limit of five minutes per speaker he established for scheduled public hearings; and

WHEREAS, such amendments were introduced by resolution adopted May 13, 1996;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the attached amendments to Rule #16 and Rule #19 of the City Council Rules.

By Councilmember Benavides

Carried unanimously

Rule 16. order of Business. The order of business of the City Council shall be on a printed agenda prepared by the City Clerk. The order of business for Council meetings on the first, second, third, and fourth Mondays shall be as follows:

1. Roll call
2. Invocation and Pledge of Allegiance
3. Reading and approval of printed Council Proceedings
4. Motion to suspend Rule 11 for consideration of late items
5. Special ceremonies, if any
6. Scheduled public hearings
7. Public comment on agenda items
8. Receipt of Communications and Petitions for information or referral
9. Mayor (or Executive Assistant) reports or proposals
10. City Officer and Board Reports for information, referral, or action
11. Receipt of Committee Reports
12. Consent Matters
13. Resolutions for action
14. Ordinances for introduction and setting of public hearing
15. Ordinances for passage
16. Consideration of late items, if any
17. Tabled items, if any
18. Motion of excused absence
19. Citizen comment on city government-related matters (3 minute limit per speaker)
20. Councilmember comments
21. Mayor (or Executive Assistant) response to citizens' or Councilmembers' questions
22. Adjournment

The order of business on the fifth Monday shall be as follows:

1. Roll Call
2. Invocations and Pledge of Allegiance
3. Reading and approval of printed Council Proceedings
4. Receipt of Communications and Petitions for referral
5. City Officer and Board Reports for referral
6. Public comment on routine matters (if listed on agenda)
7. Routine matters for action (if necessary)
8. Town Meeting Round Table Discussion
9. Motions of excused absence
10. Mayor (or Executive Assistant) reports or proposals

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11. Citizen comments on city government-related matters (3 minute time limit)
12. Councilmember comments
13. Mayor's (or Executive Assistant's) response to citizens or Councilmembers' questions
14. Adjournment

Rule 19. Rules of Decorum for Meetings; Address by Persons. The presiding officer shall conduct Council meetings in an orderly manner. Members of Council and others in attendance shall obey directions of the presiding officer. Citizens attending Council meetings may have up to three opportunities to address Council. Speakers are requested to print their names and addresses on registration sheets to assist in the accuracy of the Council proceedings. Extensions of speaker time limits are permissible at the discretion of the Council.

Opportunities to address Council are:

(1) Public hearings. Scheduled public hearings are held on specific legislative matters under consideration by Council. A 5 minute time limit is imposed per speaker.

(2) Comment on agenda items. Citizens may present facts and opinions on matters listed on the Council agenda and on late items approved for consideration. Each speaker is limited to five minutes total. Citizen comment during town hall round table discussions at fifth Monday meetings shall be at the direction of the presiding officer.

(3) Comment on city matters. Citizens may speak on any city government-related matter. Each speaker is limited to three minutes total. The presiding officer may rule any speaker out of order for failing to speak on city government-related matters.

Disruptive conduct shall not be permitted. Members of the audience may applaud the remarks of any speaker.

By Councilmember Benavides

Carried unanimously

RESOLUTION #215
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at 422 S. Butler St., parcel no. 3301-17-476-221-5, legally described as:

S 22 Ft Lot 20 & N 12 Ft Lot 21 Block 9 Bush, Butler & Sparrow S Add,

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on October 25, 1995, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on April 22, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 20, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

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By Councilmember Allen

Carried unanimously

RESOLUTION #216
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

1031 Clear Street, legally described as: parcel no. 3301-21-254-050-8, Lot 22, Clear S Sub of Block 204

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on October 25, 1995, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on April 22, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 20, 1996);and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #217
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

1105 E. Oakland Ave., parcel no. 3301-10-330-141-0, legally described as: Lot 2 Block 2 Orchard Grove

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on October 25, 1995, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on April 22, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the

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order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 20, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #218
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

322 Bingham Street, parcel no. 3301-15-332-141-7, legally described as: *N* 3 ½ R of E 6 R Lot 9 Block 14 Green Oak Add

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing . officers on October 25, 1995, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on April 22, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 20, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers, order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #219
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

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615 Manchester Street, parcel no. 3301-09-481-061-8, legally described as: Lot 9 Block 3 Assessor S Plat No 32 Rec L 11 P 13

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on October 25, 1995, at which the Hearing officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on April 22, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 20, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #220
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, pursuant to the recommendation of the Lansing Planning Board, the Lansing City Council did authorize the Administration in Resolution #400 passed June 19, 1996 to dispose of excess City owned property located between 1125 and 1115 Kingsley Court by selling the property to a non-profit housing corporation for development of a residential housing unit; and

WHEREAS, pursuant to that authorization the Administration engaged in negotiations with the nonprofit housing corporation that had expressed an interest in the site, only to find out that the nonprofit was no longer interested in purchasing the property; and

WHEREAS, it is the policy of the City to sell property, that has been acquired through the Community Development Block Grant Program for the purpose of reducing the density of development in a neighborhood, to adjacent property owners for a nominal fee; and

WHEREAS, the adjacent property owners have been contacted and have agreed to purchase the property;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council authorize that part of the property located between 1125 and 1115 Kingsley Court more particularly described as:

The East 16.4 feet of Lot 9, and the West 30.35 feet of Lot 10, Kingsley's Addition, City of Lansing, Ingham County, Michigan,

to the owner of property located at 1125 Kingsley Court, and the balance of property more particularly described as:

Lot 11, and the East 8.25 feet of Lot 10, Kingsley's Addition, City of Lansing, Ingham County, Michigan,

to the owner of property located at 1115 Kingsley Court, for the nominal sum of one dollar ($1.00) per front foot plus all closing costs with all proceeds from the sale to be returned to the CDBG Program.

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BE IT FURTHER RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the sales, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #221
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-2-94: Acquisition of parts of Lots 30, 31, and 32, Fidelity Farms Plat; PPN 3301-23-451-041, adjacent to Crego Park.

WHEREAS, the Director of the Parks and Recreation Department, with the approval of the Parks Board, has recommended the purchase from the Park Acquisition and Development Fund, of a parcel of real property being offered for sale, commonly known as 2619 East Mount Hope Avenue, Lansing, Michigan; and

WHEREAS, by Resolution #242 adopted April 25, 1995, the Council authorized the administration to enter into negotiations for the purchase of said property; and

WHEREAS, on April 18, 1995, the Planning Board conducted an Act 285 review (ACT-2-94) and, on the basis of said review, recommends acquisition of the property for public purpose, subject to a favorable environmental assessment; and

WHEREAS, Grove Associates conducted a Phase I environmental site assessment of the property which revealed no apparent environmental contamination and recommended no additional environmental study; and

WHEREAS, the City caused the property to be independently appraised by Charles R. Green and Associates who determined the fair market value of the property, with access and utility easements, to be $18,700.00; and

WHEREAS, the property has been offered for sale to the City for the sum of $14,650.00; and

WHEREAS, the Committee on Planning and Development has reviewed the proposed purchase and concurs therewith;

NOW, THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the purchase of PPN 3301-23-451-041, legally described as: N 330 ft. Lot 32, w 75 ft. of N 330 ft. of Lot 30, and N 97 ft. Lot 31, Supervisors Plat of Fidelity Farms, for the sum of $14,650.00.

BE IT FURTHER RESOLVED, the Mayor, on behalf of the City, is authorized to execute all documents necessary to complete this transaction, subject to the prior approval as to form by the City Attorney.

BE IT FINALLY RESOLVED, the acquisition of this parcel is to be for out of the Parks Acquisition and Development Fund.

By Councilmember Lilly

Carried unanimously

RESOLUTION #222
P-1-96, Wise Estates,
Tentative Preliminary Plat Approval
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING

WHEREAS,. Gerald S. Fedewa, proprietor, has requested tentative preliminary plat approval for a single family residential subdivision along the west side of the 5800-5900 blocks of Wise Road, and

WHEREAS, the plat is 2.21 acres in size and contains 10 lots, numbered 1 through 10 inclusive, with 1 outlot to be developed with single family homes, and

WHEREAS, the property is zoned "A-1" Residential District, which is appropriate for the proposed single family residential development with a net density for this plat being 4.525 dwelling units per acre, and

WHEREAS, the Planning Board found, based on testimony and evidence, that the proposed development is compatible with the surrounding land use and is consistent with the Southwest Area Comprehensive Plan, and

WHEREAS, at the Planning Board public hearing held April 2, 1996, there was no public comment on this proposal, and

WHEREAS, the Lansing Planning Board at their April 16, 1996 meeting, voted unanimously (7 Ayes - 0 Nays) to recommend approval of the Tentative Preliminary Plat Approval of Wise Estates, with conditions, and

WHEREAS, the Physical Development Committee of City Council has reviewed the report of the Planning Board and concurs therewith,

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NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves P-1-96, the request by Gerald S. Fedewa, proprietor, for the Tentative Preliminary Plat of Wise Estates, with the following conditions:

1. That right-of-way and street dimensions must be shown for Wise Road in addition to a 25' utility easement be provided across the east property line of outlot "A".

2. That lot 2 may not have sufficient sight distance to assure safe vehicular site distance. Applicant must provide a diagram showing the sight lines around the pedestrian skywalk for Lots 2 & 3 prior to final plat approval.

3. That a sidewalk must be provided within the public right of -way along Wise Road for the entire length of the Plat. Design of said sidewalk must conform to the City of Lansing's Department of Public Service design standards. The sidewalk should provide reasonable access to the Pedestrian Skywalk located between lot 2 and outlot "A". The entire sidewalk must be completed within three years of the date of final. plat approval by the City Council regardless of whether or not all the lots are built upon.

4. That the final plat will be developed with all public improvements as required by the Lansing Subdivision Regulations and the Michigan State Plat Act.

5. That all lots shall be graded so surface water will drain therefrom so as not to adversely affect adjacent properties.

6. That a note on the face of the plat stating that all utilities, public and private, are to be provided to the individual lots through underground conduit located within public and private easements.

7. That tentative preliminary plat approval is effective for a period of twelve (12) months from the date of approval.

8. That the applicant complies with the requests by the referring agencies prior to final plat approval.

By Councilmember Lilly

Carried unanimously

RESOLUTION #223
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, on August 10, 1995, the Lansing Police Department conducted a raid on the property at 4901 Christiansen Street, and police discovered evidence that illegal drug activity was occurring, and arrests were made; and

WHEREAS, in accordance with Section 630.05 of the City Code, on August 15, 1995, the City Attorney sent letters to Robert Haslip and Alla Faye Miller, owners of record and resident of 4901 Christiansen Street, advising them that under the provisions of Chapter 630 of the City Code, if the property were to be raided again within six months of August 10, 1995, and controlled substances and/or drug paraphernalia were to be found, the City could prohibit occupancy of the property for a period of up to one year, and/or hold the owner liable for the full cost of any City staff used in the second and subsequent raids, and assess such costs against the property; and

WHEREAS, on January 19, 1996, a second raid was conducted at 4901 Christiansen Street, and controlled substances and drug paraphernalia were found, and arrests were made; and

WHEREAS, the Mayor and City Attorney have reviewed the facts of this matter and determined that the property owners have not cooperated with the City within the intent of Resolution #413 adopted by Council of July 23, 1990, as amended; and

WHEREAS, the Mayor and City Attorney have recommended that the provisions of Chapter 630 of the Code be enforced against the property owners; and

WHEREAS, on March 5, 1996, the Committee on Public Safety held a public hearing on the question of a determination of public nuisance under Chapter 630 of the City Code and/or common law, or alternatively, adopting the findings of public nuisance by the Ingham County Circuit Court in its February 13, 1996 Temporary Restraining Order in People v Alla Faye Miller and Robert C. Haslip, Case No. 96-8:F387-CZ, and the assessment of costs, and concurred with the Mayor's recommendation that the house be boarded up for one year or until the property is sold, whichever occurs first, and that the City's costs of conducting the January 19, 1996 raid, which amount to $1,551.00, and of boarding up and locking the property, which amount to $405.32, be assessed against the property; and

WHEREAS, on May 6, 1996, a public hearing was held before the Lansing City Council on whether

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TO ADOPT THE RECOMMENDATION OF THE COMMITTEE ON PUBLIC SAFETY;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY DETERMINES THAT THE PROPERTY AT 4901 CHRISTIANSEN STREET IS A PUBLIC NUISANCE AS DEFINED IN CHAPTER 630 OF THE CITY CODE OF ORDINANCES AND/OR UNDER COMMON LAW, OR ALTERNATIVELY, ADOPTS THE FINDINGS OF PUBLIC NUISANCE BY THE INGHAM COUNTY CIRCUIT COURT IN ITS FEBRUARY 13, 1996 TEMPORARY RESTRAINING ORDER IN PEOPLE V ALLA FAYE MILLER AND ROBERT C. HASLIP, CASE NO. 96-82387-CZ; AND

BE IT FURTHER RESOLVED THE COUNCIL AUTHORIZES THE DIRECTOR OF BUILDING SAFETY TO BOARD UP AND LOCK THE HOUSE AT 4901 CHRISTIANSEN STREET IN ORDER TO PROHIBIT OCCUPANCY FOR A PERIOD OF ONE YEAR, OR UNTIL SALE OF THE PROPERTY TO A BONA FIDE PURCHASER FOR VALUE, WHICHEVER OCCURS FIRST; AND

BE IT FURTHER RESOLVED THE CITY'S COSTS OF CONDUCTING THE JANUARY 19, 1996 RAID ON 4901 CHRISTIANSEN STREET, AND OF BOARDING UP AND LOCKING THE PROPERTY, IN THE TOTAL AMOUNT OF $1,956.32, SHALL BE ASSESSED AGAINST THE PROPERTY; AND

BE IT FINALLY RESOLVED THAT AN OWNER AGGRIEVED BY THIS RESOLUTION MAY APPEAL TO THE INGHAM COUNTY CIRCUIT COURT WITHIN TEN (10) DAYS FROM THE DATE OF THIS DECISION, PURSUANT TO SECTION 630.10 OF THE CITY CODE.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #224
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, RESPONDING TO A REQUEST FROM THE CITY COUNCIL, THE MAYOR HAS SUBMITTED A REMODELED MASTER PLAN FOR THE GROESBECK MUNICIPAL GOLF COURSE, DESIGNED IN COOPERATION WITH THE INGHAM COUNTY DRAIN COMMISSIONER TO INCLUDE CHANGES THAT ACCOMMODATE THE TOLLGATE DRAIN PROJECT; AND

WHEREAS, THE MAYOR AND DRAIN COMMISSIONER HAVE RECOMMENDED THAT THIS COUNCIL GRANT APPROVAL TO THE FRONT NINE DESIGN SO THAT CONSTRUCTION MAY BEGIN IMMEDIATELY AFTER THE 1996 GOLF SEASON; AND

WHEREAS, THE COMMITTEE ON PUBLIC SERVICES HAS REVIEWED THE DESIGN AND RECOGNIZES THAT ADDITIONAL DISCUSSION AND COORDINATION WITH THE BANCROFT PARK NEIGHBORHOOD IS NECESSARY BEFORE ACTION IS TAKEN ON THE BACK NINE DESIGN; AND

WHEREAS, THE COMMITTEE CONCURS IN THE RECOMMENDATION THAT THE FRONT NINE BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE DESIGN CONCEPT FOR THE FRONT NINE HOLES OF THE GROESBECK MUNICIPAL GOLF COURSE AS SHOWN AND CONTAINED IN THE APRIL 25, 1996, PRELIMINARY REMODELING MASTER PLAN, TOLLGATE DRAIN PROJECT, GROESBECK MUNICIPAL GOLF COURSE, PREPARED BY ENGINEERING CONSULTANT FISHBECK, THOMPSON, CARR & HUBER, INC.

BY COUNCILMEMBER LEEMAN

CARRIED UNANIMOUSLY

RESOLUTION #225
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE LANSING CITY COUNCIL HAS EXTENSIVELY REVIEWED THE MAYOR'S RECOMMENDED BUDGET FOR FISCAL YEAR 1996-97; AND

WHEREAS, ALL COUNCIL DELIBERATIONS HAVE BEEN TELEVISED TO ACHIEVE A HIGH LEVEL OF PUBLIC AWARENESS AND ABILITY TO COMMENT ON BUDGETARY ISSUES FACING THE CITY; AND

WHEREAS, COUNCIL HAS GIVEN PUBLIC NOTICE AND HELD REQUIRED PUBLIC HEARINGS TO PROVIDE THE OPPORTUNITY FOR CITIZENS TO COMMENT ON PROPOSED SPENDING AND THE PROPOSED TAX RATE, AS REQUIRED BY PUBLIC ACT 5 OF 1982, AND THE LANSING CITY CHARTER; AND

WHEREAS, THE COUNCIL HAS DETERMINED THROUGH ITS REVIEW AND HEARING PROCESS THAT AMENDMENTS ARE NEEDED TO ADJUST CERTAIN PROPOSED REVENUES, EXPENDITURES, AND POLICIES.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR'S PROPOSED FISCAL YEAR 1996-97 BUDGET BE ADOPTED WITH THE FOLLOWING AMENDMENTS:

CITY COUNCIL AMENDMENTS TO
THE MAYOR'S RECOMMENDED
FY 1996-97 BUDGET

I. GENERAL FUND REVENUES

A. INCREASE ESTIMATED PROPERTY TAX REVENUES BY $300,000 PER FINAL RESULTS OF THE CITY OF LANSING BOARD OF REVIEW AS RECOMMENDED IN THE MAYOR'S COMMUNICATION CONVEYED TO COUNCIL ON MAY 9, 1996.

II. GENERAL FUND EXPENSES

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A. Reprogram $720,000 from Aurelius Road Landfill to the S. Washington Southside Community Center. These funds shall be placed in the Capital Projects Fund and combined with other designated funds into a single S. Washington Southside Community Center Capital Projects Fund account.

B. Reprogram $100,000 from General Administration expenses to the S. Washington Southside Community Center. These funds shall be placed in the Capital Projects Fund and combined with other designated funds into a single S. Washington Southside Community Center Capital Projects Fund account.

C. Funding for the recommended Youth Coordinator position in the amount of $46,200 shall be reserved as a separate item in the General Administration cost center. These funds shall not be expended or transferred pending further review by the Ways and Means Committee, and action by the City Council.

D. Funding for Public Information Services in the amount of $75,000 is deleted from the General Administration cost center and shall revert to undesignated General Fund Fund Balance.

E. Funding for the Washington D.C. Lobbyist in the amount of $25,000 is deleted from the General Administration cost center and shall revert to undesignated General Fund Fund Balance.

F. Funding for baseball lighting in the amount of $58,000 is reprogrammed for road resurfacing. The administration shall transfer this amount to the Capital Projects Fund and allocated to the account established for road resurfacing.

G. Funding in the amount of $10,000 shall be appropriated from undesignated General Fund Fund Balance for low-income recreation scholarships and added to the $5,000 recommended for this function in the FY 1996-97 Budget.

H. Funding in the amount of $500 shall be reprogrammed from the Budget cost center and added to the appropriation to the Arts Council of Greater Lansing.

I. Funding in the amount of $45,400 for the City Audit shall be transferred from the City Council budget to the General Administration cost center as a separate account.

*J. Funding in the amount of ~~$3,000,000~~ $300,000** is appropriated from increased property tax revenues and designated for road resurfacing. These funds shall be transferred to the Capital Projects Fund and allocated to the account established for road resurfacing.

K. That the balance of reductions to General Fund appropriations in excess of the additions to General Fund appropriations in the amount of $54,000 shall revert to undesignated General Fund Fund Balance.

III. PARK MILLAGE FUNDS

A. Funding for Oak Park Land Acquisition in the amount of $100,000 is deleted.

B. Funding for the Gier Park Plaza is reduced by $65,100, from $130,200 to $65,100.

C. Funding for Design Consultants is reduced by $40,000, from $100,000 to $60,000.

D. Funding in the amount of $50,000 is appropriated for Parks and Playground Equipment at Foster Park and Fulton in the amount of $25,000 per location.

E. Funding in the amount of $12,264 is appropriated for three additional Kids Camps, including one at the Police South Precinct.

F. Funding in the amount of $142,836 is appropriated for the S. Washington Southside Community Center, and shall be added to the account in the Parks Millage cost center established for this purpose.

IV. CAPITAL PROJECTS FUND

A. Funding in the amount of $93,000 is reprogrammed to road resurfacing, and shall be transferred to the account designated for this purpose. The funding sources include $56,000 from window replacement in the downtown police building, $21,000 from repairs to #8 Fire Station, and $16,000 from #1 Fire Station heating repairs.

B. Funding in the amount of $720,000 is appropriated from Fund Balance, 1990-II Environmental Bond Fund, for mandated Aurelius Road Landfill repairs.

V. BASEBALL FUND

Amended per Resolution #289 adopted on June 24, 1996 (see page 350 of 06/24/96 proceedings)

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A. Funding in the amount of $58,000 is appropriated for the purpose of paying for baseball stadium lighting.

VI. In addition to item II-D above, the following amounts totaling $322,165 shall be deleted from operating accounts in the Mayor's FY 1996-97 recommendation and shall revert to the Fund Balance or Retained Earnings of the fund listed:

A. $26,425 from the Refuse Fund.
B. $184,740 from the Recycling Fund.
C. $43,000 from the Sewage Disposal System Fund.
D. $38,000 from the Municipal Parking Fund.
E. $30,000 from the Stormwater Utility Fund.

VII. POLICY ACTIONS

A. That the administration prepare and submit a report back to City Council that provides a position to administer historical preservation activities. This report would include a position description, position classification, and alternative sources of funds.

B. That $10,000 from General Administration Education and Training funds be reserved for Councilmember and staff education and training.

C. That the proceeds from the sale of Priggooris Park be reserved in the Capital Projects Fund pending review, and discussion with family members.

D. ~~That the Fiscal Year 1996-97 City of Lansing Budget is hereby adopted on a line-item basis, and that all transfers between accounts that exceed the transfer authority granted the Mayor in Section 7-107.3 of the Lansing City Charter shall be reviewed by the Committee on Ways and Means, and subsequently approved by a two-thirds vote of all councilmembers serving.~~

E. That all printing for promotional and informational brochures and pamphlets shall be done in-house by City of Lansing employees.

F. That the proposed sewer rate increase of 6% is not approved.

and

BE IT FINALLY RESOLVED that the following referrals are made from budget deliberations to the committees listed below:

A. Seven Block Plan – Committee on Development & Planning
B. Sycamore Golf Family Day – Committee on Public Services
C. Recycling Fee including fee composition, rebate, purchase of bailer and replacement trucks – Committee on Public Services & Committee on Ways and Means
D. Bulk Stickers – Committee on Public Services
E. Six month report on Southside Precinct activities – COW
F. False Alarm Rate – Committee on Public Services
G. Sewer Rate Increase – Committee on Ways and Means
H. Ad Hoc Tree Committee Report – Committee on Development and Planning
I. Road Resurfacing Report: List streets by Wards – COW
J. Northside Precinct/City Space Needs – Committee on Ways and Means and Public Service Committee
K. Transfer Policy – Committee on Ways and Means
L. Citywide Building Condition Assessment – Committee on Ways and Means
M. Youth Coordinator – Committee on Ways and Means

By Councilmember Novak

To separate the Cristo Rey items from the remaining items in this budget resolution and to recuse Councilmember Benavides from voting on the Cristo Rey items because of his relationship with Cristo Rey

Carried unanimously

By Councilmember Beal

To place an affirmative roll on the Cristo Rey budget items

Carried unanimously, Councilmember Benavides abstaining

By Councilmember Allen

To amend the resolution by deleting sub-paragraph VII-D. under POLICY ACTIONS and to refer that language back to the Committee on Ways and Means for further deliberation

By Councilmember Allen

To call the question on the previous motion

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 1 (Councilmember Leeman dissenting)

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Councilmember Allen's motion to amend was;

ADOPTED BY UNANIMOUS VOTE

By Councilmember Beal

To place an affirmative roll on the resolution minus the Cristo Rey items and the paragraph deleted by motion of Councilmember Allen

Carried unanimously

RESOLUTION #226
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Public Act 5 of 1982, as amended, requires that the City calculate a new base millage rate which is reduced by the number of mills which equate to the estimated increase in State Equalized Valuation of existing property within the City; and

WHEREAS, to restore the increment of its property tax rate between the rate which the City determines to be necessary to support its operations and the new base millage calculated under P.A. 5 of 1982, the City must publish public notice of the rate calculated under P. A. 5, and its proposed millage rate for the fiscal year ending June 30, 1997; must hold a public hearing in regard to this millage rate; and must adopt the proposed rate by separate resolution of the City Council, and

WHEREAS, the Mayor has recommended that the City's operating property tax levy continue at 15.04 mills for the fiscal year ending June 30, 1997, and

WHEREAS, the new base millage rate calculated under the provisions of P.A. 5 of 1982, as estimated by the City Assessor, is 14 .9 196 mills, a difference of .1204 mills from the proposed levy, and

WHEREAS, the City's debt service requirements total 2.36 mills; and

WHEREAS, the City has published public notice of the rate calculated under P.A. 5 of 1982 and its proposed millage rate, and has held a public hearing on the proposed rate as required by the Act.

NOW THEREFORE BE IT RESOLVED that the City restore .1204 mills under the provisions of P.A. 5 of 1982, and

BE IT FURTHER RESOLVED that the operating property tax levy for the fiscal year ending June 30, 1997 be established at 15.04 mills, and

BE IT FINALLY RESOLVED that the debt service property tax levy for the fiscal year ending June 30, 1997 be established at 2.36 mills.

By Councilmember Beal

Carried unanimously

RESOLUTION #227
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS the Lansing City Council has undertaken considerable review in the budget recommendations submitted by the administration, and

WHEREAS the Council recognizes that many of the City's goals and projects are multi-year activities requiring financial participation that overlaps the City's fiscal year, and

WHEREAS in order to accomplish these goals, the City Council adopts a budget for any given fiscal year, and reviews the City's needs within the framework of all available financial resources,

NOW THEREFORE BE IT RESOLVED that the following commitments are made as City Council policy as supplement to the budget deliberation for the fiscal year ending June 30, 1997:

I. GENERAL FUND RESIDUALS

The administration is authorized to and shall make an administrative transfer of funds in the amount of $2,565,000 from projected General Fund residual appropriation in FY-96 for the following:

A. $535,000 to the budget stabilization fund
B. $1,020,000 to the Capital Projects fund for the road resurfacing account
C. $600, 000 to the Capital Projects - Fund Balance to be held as a reserve against Fund Balance for a North Side Police precinct, pending further review and action by City Council
D. $410,000 for purchase of one pumper and one ambulance for the Fire Department

II. CAPITAL PROJECT FUNDS

The existing account in the Capital Fund series entitled roads shall be retitled as road resurfacing.

The administration is authorized to and shall make

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THE FOLLOWING TRANSFERS OR REALLOCATIONS OF FUNDS:

A. CIVIC CENTER SALE PROCEEDS

1. THE $500,000 IN CAPITAL PROJECTS FUND - SOUTH SIDE COMMUNITY CENTER SHALL BE RETITLED FOR THE BOYS & GIRLS CLUB

2. THE REMAINING $1,410,000 IN CAPITAL PROJECTS - FUND BALANCE SHALL BE APPROPRIATED FOR THE FOLLOWING:

a. $1,146,000 TO THE CAPITAL PROJECTS ROAD RESURFACING ACCOUNT
b. $264,000 FOR THE BOYS & GIRLS CLUB

B. FY-96 RESIDUALS

FUNDING IN THE AMOUNT OF $641,000 IS REPROGRAMMED FROM POLICE-RADIO FUNDING TO CAPITAL PROJECTS-ROAD RESURFACING ACCOUNT.

III. PARKS MILLAGE RESIDUALS

THE ADMINISTRATION IS AUTHORIZED TO AND SHALL MAKE THE FOLLOWING TRANSFERS OR REALLOCATIONS OF FUNDS:

A. THE $156,000 IN PARKS MILLAGE - SOUTH SIDE COMMUNITY CENTER SHALL BE RETITLED FOR THE BOYS & GIRLS CLUB

B. FROM THE FY-96 PARKS MILLAGE, $394,000 CURRENTLY APPROPRIATED FOR A POTTER PARK ZOO ENTRANCE PLAZA AND $106,000 FOR COMMUNITY CENTER REPAIRS SHALL BE TRANSFERRED IN THE AMOUNT OF $500,000 FOR THE BOYS & GIRLS CLUB, ADDED TO THE ABOVE ACCOUNT.

C. FROM THE FY-96 PARKS MILLAGE, $150,000 CURRENTLY APPROPRIATED FOR COMMUNITY CENTER REPAIRS SHALL BE TRANSFERRED FOR THE FOLLOWING:

1. $75,000 FOR KINGSLEY CENTER REPAIRS
2. $75,000 FOR GIER CENTER REPAIRS
3. THAT THE REMAINING UNENCUMBERED BALANCE IN THE COMMUNITY CENTER REPAIRS ACCOUNT SHALL BE RETITLED FOR FOSTER CENTER REPAIRS.

D. WITHIN THE PARKS MILLAGE APPROPRIATION IN THE GENERAL FUND FOR FY-96, THAT THE ADMINISTRATION IS AUTHORIZED TO AND SHALL MAKE AN ADMINISTRATIVE TRANSFER OF FUNDS FOR ANY REMAINING, YEAR-END UNENCUMBERED BALANCE OF FUNDS TO THE S. WASHINGTON SOUTHSIDE COMMUNITY CENTER, ADDED TO THE ACCOUNT IN A). ABOVE.

BE IT FURTHER RESOLVED THAT THE ADMINISTRATION SHALL REPORT TO THE WAYS AND MEANS COMMITTEE OF CITY COUNCIL ANY INABILITY TO CARRY OUT THE ABOVE CITY COUNCIL POLICIES PRIOR TO THE CLOSING OF ACCOUNTS FOR THE CITY'S FISCAL YEAR ENDING JUNE 30, 1996.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

A. FROM COUNCILMEMBER ALLEN: A LETTER FROM KATHY LANGSCHWAGER, LANSING SCHOOL DISTRICT BOARD MEMBER, REQUESTING THE INSTALLATION OF SIGNS AT EASTERN HIGH SCHOOL COMMEMORATING THEIR ACADEMIC DECATHLON TEAM

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

B. FROM COUNCILMEMBER LEEMAN; A LETTER FROM EUGENE BUCKLEY OF 818 N. HAYFORD REGARDING SIGNS FOR PRIVATE, PROFIT ORIENTED BUSINESSES BEING PLACED IN THE PUBLIC RIGHT OF WAY

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

C. FROM COUNCILMEMBER NOVAK; THE OPINION OF JUDGE LAWRENCE M. GLAZER OF THE 33RD CIRCUIT COURT IN THE MATTER OF THE LANSING EQUAL RIGHTS TASK FORCE V LANSING CITY CLERK, CASE #96-83533-AW, CIVIL RIGHTS ISSUE

RECEIVED AND PLACED ON FILE

D. FROM COUNCILMEMBER NOVAK; THE OPINION OF THE SUPREME COURT OF THE UNITED STATES IN THE MATTER OF ROY ROMER, GOVERNOR OF COLORADO, ET AL V RICHARD G. EVANS ET AL; CIVIL RIGHTS ISSUE

RECEIVED AND PLACED ON FILE

E. FROM COUNCILMEMBER BEAL; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADDITION OF A SPECIAL CEREMONY FOR PRESENTATION OF A PROCLAMATION BY MAYOR HOLLISTER REGARDING AMERICAN PUBLIC WORKS WEEK

THE RULES WERE SUSPENDED AND MAYOR HOLLISTER PRESENTED A PROCLAMATION UNDER SPECIAL CEREMONIES

F. FROM COUNCILMEMBER LILLY; A LETTER FROM JOEL FERGUSON REGARDING HIS OFFER FOR THE PURCHASE OF PROPERTY LOCATED AT THE GRAND AVE./KALAMAZOO TRIANGLE PROPERTY

REFERRED TO THE MAYOR, THE PLANNING BOARD, AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

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PUBLIC COMMENTS

Helen Fiser of 12100 S. Cork in Morrice asked Councilmember Novak about the whereabouts of documentation to back up the claim that Lansing is dumping 1.6 million gallons of raw sewage into the Grand River. The DNR has no such documentation. She requested that the claim be substantiated and that documents supporting the claims be furnished to her.

Connie Delaney of 3721 Aurelius Rd.. reported that she recently listed her property for sale and has found that the Stormwater Enterprise Fund Fee has already been placed as a lien against her property. The Ordinance provides that the lien for unpaid fees will not be instituted until after September 15th of any given year. City Attorney Smiertka agreed to look into the matter.

Lloyd Teets of 116 E. Elm St. criticized the $40,000 increase in the budget this year over last year's. This is not the fiscal prudence that Councilmember Novak prayed for prior to the Council meeting.

Tom Lafferty of 1806 W. Michigan said that the Sewer Separation Project is a national problem. He advocated that the City route all of it's waste water through the Wastewater Treatment Plant and forget the sewer separation project. The Environmental Protection Agency will ultimately require the City to route all of it's wastewater through the treatment plant anyway.

Tim Lewis of 500 S. Pine questioned the process outlined under the Council Rule Revision. He urged all citizens to observe proper safety precautions around railroad crossings.

Robert Bennett of 222 W. Saginaw criticized speakers who have complained about the location of the North Side Police Precinct in the North End. He supports the concept of placing the Precinct in the old School for the Blind.

Paul Scott of 412 W. Kilborn thanked Donna Wynant for the Historic Display in the City Hall Lobby last week, and Councilmember Lilly for the hiring of the City Historic Preservationist. He thanked Council for sticking to the $7,000,000 goal for road rehabilitation and for the amount of time they put in on the Budget. This, he said, is the least contentious budget that he has seen in several years.

Tom Hearnley of 3425 Palmer stated that he, too, has had a lien attached to his property for his unpaid Stormwater Enterprise Fund fees.

Cherryl VanDeKerkhove, no address given, spoke regarding the two very important Court decisions that were handed down on the Civil Rights Issue today.

Mary McCormick-Swift of 2121 Irene Ct. said that Mr. Teets is not responsible to develop an alternative to the Stormwater Enterprise Fund fees, Councilmember Novak does not get it, the citizens do not want the system amended, they want it repealed. It is an unnecessary project, and rather than trying to fix it, Council should be trying to eliminate it.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked the Youth Volunteers from Youthpak that were here tonight. She thanked the Parks and Recreation Department and the Friends of Cooley Gardens for the work they have done on the gardens. They are beautiful this year and she urges everyone to visit them. She thanked everyone who made the Project Play dedication at North School possible. She reported reading a feature article in 'Home Magazine' on former Councilmember Lucile Belen.

Councilmember Lilly said that he does not know where Mr. Teets gets his figures from. There is no $40,000 increase in the Budget. In fact, the General Fund Budget has only increased by $8,000 in the last two years. There was, however, a $16,000 increase in the Enterprise Fund Budget. He reported that the Committee of the Whole has endorsed the concept of holding 4 additional public meetings to deal with concerns over the sewer program. The first meeting will be a presentation by the Public Service Department to the Public Services Committee regarding the history of the entire system. The second meeting will take place at a Council meeting at which citizens will be welcomed to state their comments to Councilmembers. Councilmembers will take notes of the remarks made but will not answer questions. The remarks will be summarized and placed into memo form and directed to the Administration with a request for a response. The third meeting will include a presentation from the Department of Environmental Quality and the Michigan Municipal League to inform Council as to what other cities are doing to handle their sewer problems. The fourth meeting will see a response from the Administration to the summary of comments of the public and suggestions for remedies to reduce the City's discharge into the rivers. These suggestions should include street sweeping, the industrial pretreatment ordinance and all forms of pollution. These meetings are being held in an attempt to look into alternatives to the CSO Project and the Stormwater

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Enterprise Fund and to see how the entire system currently operates.

COUNCILMEMBER ALLEN LEFT THIS MEETING OF THE CITY COUNCIL AT 9:50 P.M.

Councilmember Beal reported that the budget adopted tonight does not include a 6% increase in sewer fees, however, it does allow for an increase to be adopted at a later date. She thanked Mr. Wiener for attending to her requests regarding the Parade route and access to businesses north of Michigan Ave. The business owners in this area, as well as the City Market Vendors, were much happier this year. She confirmed the regularly scheduled meeting of the Committee on Ways and Means this Wednesday at 4:00 P.M.

Councilmember Novak asked Mr. Teets to suggest some alternatives to the stormwater enterprise fund fees, rather than just offering criticism of the current system, he should be suggesting a better way to do it. During the task force meetings, Mr. Teets raised some suggestions for funding the Sewer Separation, they included; 1) increasing income tax by 2%, 2) Increasing the payment of Return on Equity by the Board of Water & Light by 33%, 3) a 2% property tax surcharge and 4) a 4% increase in the sewer bills. All four of these methods added together would not have resulted in sufficient revenues to fund the project. He challenged Mr. Teets to offer viable suggestions for an alternative, rather than just attacking the system. He agrees that amendments to the Stormwater Enterprise Fund system are necessary, particularly for those people who own parcels that are in excess of 5 acres. The City may want to look at the sewer rates charged and amending the I & I charges.

COUNCILMEMBER BEAL LEFT THIS MEETING OF THE CITY COUNCIL AT 10:00 P.M.

Councilmember Leeman said that Sparrow Hospital does not own the property that is one of the proposed locations of the North Side Precinct.

President Jones urged residents to get out and keep their catch basins clear of debris and leaves, in order to keep the storm drains from getting plugged up. All citizens should go out and clear their catch basins of seeds and leaves that have been dropped from trees.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener reported that City Attorney Smiertka has documented the history of the stormwater mandates since 1973. All of the people who have spoken on this issue should procure a copy of this report and read it. That would facilitate our discussions on this issue.

He announced the unveiling, today, of the Sister City Display Cases in the City Hall Lobby. These cases were funded by fund raising campaigns operated by the Sister Cities Commission. The gifts inside the cases are gifts that Lansing has received from Her Sister Cities. He urged everyone to visit the displays. Additional displays have been placed on the 10th Floor in the City Council Lobby.

He thanked Councilmembers for their cooperation in the City Budget process. It was successful, and everyone is committed to moving forward to provide services to the citizens of the City. A number of items that were referred to the Committee on Ways and Means are budget issues which have not been resolved yet. The Budget, he said, is a living document that will continue to receive work throughout the year.

He thanked the Police Department for the work they did on the Parade last weekend.

ADJOURNED 10:10 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS MAY 28, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Allen

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of May 20, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a request for waiver of showmobile fees from Neighbors United in Action

2. From Councilmember Allen; a letter from Helen Fiser of 12100 S. Cork Rd. in Morrice, MI requesting documentation of the 1.6 Billion gallons of raw sewage that the City has claimed is being discharged into the Grand River

3. From Councilmember Leeman; a resolution of tribute to the Gier Park Community Center on the occasion of it's 20th anniversary

SPECIAL CEREMONIES

A. President Jones presented certificates of Recognition honoring Coordinators and Participants of "Feelin' Good Mileage Clubs" in Lansing Elementary Schools to Susan Christian, Coordinator of the Running Club. Ms. Christian explained that this is a motivational walk/run program for area kids to encourage them to get out and be active. It is co-sponsored by General Motors. She introduced representatives and members from Pleasant View, Gier Park, Elmhurst, Averill and Holy Cross Schools.

PUBLIC HEARINGS

A. In consideration of an Ordinance Amending Chapter 1424 of the Code of Ordinances for the purpose of adopting the 1996 Edition of the National Electrical Code

Jack Nelson, Building Safety Manager for the City of Lansing, reviewed the ordinance and said that it is being adopted because the City is currently operating under the 1993 Edition of the National Electrical Code and the State mandates that updates be adopted every three years.

Lloyd Teets of 116 E. Elm St. spoke in opposition to this amendment. These codes should only be updated once every 10 years.

Jim White, Chief Electrical Inspector for the City of Lansing said that this code is the national standard and the City is mandated to update them. It is not our choice to say yes, or no, we must comply.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. said that he hopes that Council overrides the Mayoral Veto of three 1996-97 Budget Items. He does not believe the Mayor needs a Public Relations firm for anything except to write his speeches for him. This money could be spent more cost effectively. He said that the ordinance instituting a new appeals procedure on city fees is part of a bitter pill that Council is trying to get the public to swallow.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Notice from the State of Michigan Department of Social Services of Application

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for a Child Foster Family Group Home in the name of Joe & Belinda Armstrong at 1908 Peggy Place filed by Lutheran Social Services

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Social Services of Application for a Child Foster Family Group Home in the name of Marjorie Marie Stine at 805 Moores River Dr. filed by Lutheran Social Services

REFERRED TO THE MAYOR

C. Letter from the State of Michigan Department of Social Services submitting Listings of Residential Facilities

REFERRED TO THE MAYOR

D. Letter from Mary J. Wendland and Kathy Noley of 1315 W. Lenawee suggesting that the City implement a "Community Bike Program" to help reduce bicycle theft

REFERRED TO THE MAYOR

E. Letter from the Department of Treasury regarding PA 146 of 1996

REFERRED TO THE MAYOR AND THE INTERNAL AUDITOR

F. 1996 Tax Rate Request and Millage Request Report form from Eaton County

REFERRED TO THE MAYOR

G. Notice from the State of Michigan Department of Environmental Quality of Permit #96-11-0082 issued to Tom Arnold of 200 E. Grand River Ave.. for construction in the floodplain of the Grand River

REFERRED TO THE MAYOR

H. Letter from Continental Cablevision regarding the transition of two Deluxe Tier Channels to the Satellite Tier

REFERRED TO THE CABLE AND TELECOMMUNICATIONS ADVISORY BOARD

I. Letter from the Ingham County Controller submitting notice of the Public Hearing on the proposed amendments to the Ingham County 911 Service Plan to be held on August 27, 1996 at 7:30 P.M. in the Ingham County Courthouse

REFERRED TO THE MAYOR

J. Certification of 1996 Assessment Roll Equalization submitted by the Ingham County Board of Commissioners

REFERRED TO THE MAYOR

K. Letter from Attorney's on behalf of the Lansing School District asserting their exemption from Special Assessments for the notice of Public Hearing they received on the Principal Shopping District

REFERRED TO THE MAYOR AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

L. Z-09-96, 200-202 E. Grand River, Rezoning from "F-1" Commercial to "G-1" Business Districts filed by Tom H. Arnold of P.O. Box 20013 to allow for demolition of Historic Structures within an Historic District to allow for development of additional parking spaces

REFERRED TO THE MAYOR AND THE PLANNING BOARD

MAYOR'S COMMENTS

Liza Estlund Olson, Chief of Staff to Mayor Hollister urged everyone to participate in the Michigan Run this Saturday.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Waste Hauler's; Trugreen-Chemlawn
Waste Management of
Michigan-Midwest

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

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2. Forwarding a Mayoral Veto of three items in the Fiscal Year 1996-1997 Budget

REFERRED TO THE COMMITTEE OF THE WHOLE

C. Letters from the Mayor re:

1/ Transfer of Funds: Public Service Dept., Planning Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

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2/ Letter of Appreciation from Susan & Stefan Mackey regarding Street Repair

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3/ Letter of Appreciation from Robert Rinkel, Fourth Grade Teacher to Officer Amanda Cordell

RECEIVED AND PLACED ON FILE

4/ Letter of Appreciation from Sherry Watts, Fairview Elementary School Teacher to LPD for their participation in the Fairview School Science Night

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #228
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the ordinance to amend the Lansing City Code by adding a new Chapter 1050, Appeals of Charges and Fees, to provide for the hearing of appeals from charges or fees without first requiring prepayment of the same,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #229
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Sergeant Thomas Wright, LPD Community Policing Officer, to change the parking regulations on Eighth Street between Prospect Street and Kalamazoo Street. Sgt. Wright forwarded this request from the residents because they were concerned about all-day parking by employees of the businesses near the intersection of Eighth Street and Kalamazoo Street. The presence of parked vehicles on both sides of Eighth Street near the intersection of Kalamazoo Street creates congestion and operational difficulties at the intersection.

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the roadway conditions and parking activities;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on December 13, 1995, enacted a temporary traffic control order to prohibit parking on the east side of Eighth Street from Kalamazoo Street to 70 feet north of Kalamazoo Street; to limit parking on the east side of Eighth Street to two (2) hours between the hours of 8: 00 AM and 6: 00 PM, from 70 feet north of Kalamazoo Street to Prospect Street; to limit parking on the west side of Eighth Street to two (2) hours between the hours of 8: 00 AM to 6:00 PM from Prospect Street to 230 feet south of Prospect Street; and to prohibit parking on the west side of Eighth Street from 230 feet south of Prospect Street to Kalamazoo Street;

WHEREAS, site visits to the area and discussions with Sgt. Wright have confirmed that the temporary parking regulations are effective in discouraging all-day parking by employees of businesses near the intersection of Eighth Street and Kalamazoo Street;

WHEREAS, based upon the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to make permanent the temporary parking regulations;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 96-008, thereby authorizing the Transportation Engineer to prohibit parking on the east side of Eighth Street from Kalamazoo Street to 70 feet north of Kalamazoo Street; to limit parking on the east side of Eighth Street to two (2) hours between the hours of 8: 00 AM and 6: 00 PM, from 70 feet north of Kalamazoo Street to Prospect Street; to limit parking on the west side of Eighth Street to two (2) hours between the hours of 8: 00 AM to 6: 00 PM

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from Prospect Street to 230 feet south of Prospect Street; and to prohibit parking on the west side of Eighth Street from 230 feet south of Prospect Street to Kalamazoo Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 96-008 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #230
BY THE COMMITTEE ON PUBLIC SAFETY

WHEREAS, the Transportation Division received a petition from Ms. Judy Fox of 2408 Kensington Road to remove the existing no parking 7:00 AM to 10:00 AM, except Saturdays, Sundays, and Holidays, regulation and allow unrestricted parking on both sides of Kensington Road from Rockford Road to Wayburn Road. The petition was signed 14 residents, representing 10 out of 15 houses on Kensington Road between Rockford Road and Wayburn Road. Ms. Fox circulated this petition because she felt the existing parking regulations were an inconvenience to the residents on Kensington Road between Rockford Road and Wayburn Road. Additionally, Ms. Fox felt that this area was far enough removed from Michigan Capitol Medical Center (MCMC) that hospital employees would not park in the unrestricted areas;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the roadway conditions and parking activities;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on January 22, 1996, enacted a temporary traffic control order allowing unrestricted parking on both sides of Kensington Road from Rockford Road to Wayburn Road;

WHEREAS, site visits to the area and discussions with Ms. Fox have confirmed that the temporary parking regulations have not resulted in MCMC employees parking in the unrestricted areas on Kensington Road between Rockford Road and Wayburn Road;

WHEREAS, based upon the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to allow unrestricted parking on both sides of Kensington Road between Rockford Road and Wayburn Road;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Public Safety Committee reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 96-010, thereby authorizing the Transportation Engineer to allow unrestricted parking on both sides of Kensington Road between Rockford Road and Wayburn Road;

BE IT FINALLY RESOLVED that Traffic Control Order No. 96-010 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #231
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Sergeant Mary Stevens, LPD Community Policing Officer, to prohibit parking on one side of Mahlon Street between Oakland Avenue and Grand River Avenue. Sgt. Stevens forwarded this request from the residents because they were concerned about the ability of emergency vehicles to maneuver down Mahlon Street when two vehicles were parked across from each other. Residents were also concerned about the difficulties they encountered while backing out of their driveways when two vehicles are parked across from each other.

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the roadway conditions and parking activities;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on November 15, 1995, enacted a temporary traffic control order to prohibit parking on the east side of Mahlon Street from Oakland Avenue to Grand River Avenue;

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WHEREAS, site visits to the area and discussions with Sgt. Stevens have confirmed that the temporary parking regulations are effective in providing two traversable lanes on Mahlon Street between Oakland Avenue to Grand River Avenue;

WHEREAS, based upon the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to make permanent the temporary parking regulations;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic. Control Order No. 96-009, thereby authorizing the Transportation Engineer to prohibit parking on the east side of Mahlon Street from Oakland Avenue to Grand River Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order No. 96-009 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #232
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Denise A. Foltz, 401 North Clemens, to fill a vacancy in the First Ward seat on the Traffic Board, for a term to expire June 30, 1997; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found her to be qualified to serve on this Board;

NOW, THEREFORE, BE TT RESOLVED the Lansing City Council hereby confirms the appointment of Denise A. Foltz to the First Ward seat on the Traffic Board, for a term to expire June 30, 1997.

By Councilmember Allen

Carried unanimously

RESOLUTION #233
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

1229 Shepard Street, parcel no. 3301-22-282-081-2, legally described as: Lot 213 City Park Add

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on January 25, 1996, at which the Hearing officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on May 6, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 28, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

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BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #234
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

326 W. Willow Street, parcel no. 3301-09-180-131-0, legally described as: E 52 Ft of S 66 Ft Lot 1 Sub of Lot 3 & Part of Lot 4 Block 25

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing officers on January 25, 1996, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on May 6, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 28, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION # 235
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

622 Lathrop Street, parcel no. 3301-15-454-101-8, legally described as: Lot 83 Breiten Park Sub Rec L 5 P 48

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on January 25, 1996, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing officers filed a report of their findings and order with the City Council

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and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on May 6, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 28, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing officers, order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #236
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

723 E. Park Terrace, parcel no. 3301-10-353-191-4, legally described as: Lot 20 Young, Stabler and Young S East Park Add

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on January 25, 1996, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on May 6, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 28, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

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By Councilmember Allen

Carried unanimously

RESOLUTION #237
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

733 Wisconsin Avenue, parcel no. 3301-08-483-161-01 legally described as: Lot 141 Englewood Park Add

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on January 25, 1996, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on May 6, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 28, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers, order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax l roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #238
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

1100 Bement Street, parcel no. 3301-15-380-261-5, legally described as: Lot 141 Block 9 Lansing Improvement Company S Add

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on January 25, 1996, at which the Hearing officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on May 6, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the

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owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (May 28, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing officers, order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #239
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

NOW, THEREFORE, BE IT RESOLVED the City Council hereby authorizes the transfer of the operation, maintenance and control of the Lansing City Market to the Lansing Entertainment and Public Facilities Authority (LEPFA) effective on June 1, 1996.

BE IT FURTHER RESOLVED said transfer to the LEPFA commencing June 1, 1996 shall continue thereafter on a temporary basis pending the completion, approval by the Council and execution of an Operating Agreement with the LEPFA for the City Market.

BE IT FURTHER RESOLVED the administration, including the Finance Department, is authorized to transfer funds remaining in City Market accounts on June 1, 1996 to the LEPFA; and, thereafter, the LEPFA is entitled to collect and receive Market rents, charges and fees for space, tables and stalls for the operation, maintenance and control of the City Market.

BE IT FINALLY RESOLVED the Mayor, on behalf of the City, is authorized to execute all necessary documents in connection with said transfer, subject to their prior approval as to form by the City Attorney.

By Councilmember Allen

Carried unanimously

RESOLUTION #240
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, a lawsuit entitled Kerith Michelle Lee vs. The City of Lansing, Lansing Police Department, Jerome Boles and Timothy E. Poxson, in their individual and Official Capacities, Case No. 96-32486-NZ, Ingham County Circuit Court, has been filed; and

WHEREAS, Timothy E. Poxson has requested indemnification in his individual capacity in connection with the lawsuit; and

WHEREAS, pursuant to City written policy indemnification is not available for actions not within the scope of an officer's duties; and

WHEREAS, the City has determined that the acts and omissions charged in the lawsuit were not within the scope of Timothy Poxson's duties and consequently indemnification is not available.

NOW, THEREFORE, BE IT RESOLVED, that the City of Lansing denies indemnification to Timothy E. Poxson in his individual capacity in connection with the above-referenced litigation.

By Councilmember Allen

Carried unanimously

RESOLUTION #241
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, it is the objective of the City of Lansing to work in partnership with other organizations to provide the opportunity for safe and decent housing in the community and other supportive services to all citizens; and

WHEREAS, the City, in partnership with the Lansing Area Aids Network, has prepared an application to be submitted to the Department of Housing and Urban Development for a grant in the amount of $853,700.00 to finance a three (3) year program that will provide housing and

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SUPPORTIVE SERVICES TO LANSING AREA HIV/AIDS PATIENTS AND THEIR FAMILIES; AND

WHEREAS, THE PROGRAM IS PROPOSED TO INCLUDE DIRECT SERVICES TO CLIENTS AND THEIR FAMILIES SUCH AS COUNSELING AND HEALTH SERVICES, RENT AND MORTGAGE PAYMENT ASSISTANCE AND UTILITY PAYMENT ASSISTANCE WITH THE OBJECTIVE OF MAINTAINING AN INDEPENDENT LIVING SITUATION AND CONTINUUM OF CARE FOR THOSE FAMILIES; AND

WHEREAS, THE CITY WILL SERVE AS THE GRANTEE FOR THE FUNDS AND THE LANSING AREA AIDS NETWORK WILL SERVE AS SPONSOR OF THE PROGRAM AS A SUB-RECIPIENT OF THE CITY; AND

WHEREAS, NO MATCH IS REQUIRED FOR THE GRANT;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL AUTHORIZES THE ADMINISTRATION TO APPLY FOR THE GRANT, AND TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE GRANT APPLICATION.

BE IT FINALLY RESOLVED THAT THE CITY COUNCIL SHALL CONDUCT A FINAL REVIEW OF THE GRANT AGREEMENT, SHOULD THE APPLICATION BE APPROVED BY HUD AND THE FUNDS OFFERED TO THE CITY, AND GIVE FINAL APPROVAL PRIOR TO THE ADMINISTRATION SIGNING THE FINAL DOCUMENTS TO ACCEPT THE GRANT.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #242
BY THE COMMITTEE ON WAYS AND MEANS:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 2,900	Est. Rev.-Gen. Fund 101-0-170001-0	
$ 1,020		Lobby Planters 101-173612-741873-0
$ 1,880		Oper. Transfer-Infra. Fund 101-933901-991410-0

(REVENUE DETAIL A/C 101-0-675000-0: DONATIONS. FUNDS RECEIVED FROM FIRST OF MICHIGAN ($200), PADNOS ($200) ; GRANGER CONTAINER ($200) ; BELL EQUIPMENT ($300); MILLER CANFIELD ($300); ENVIROLAND ($1,500); FRIEDLAND ($200), TO BE USED FOR LOBBY PLANTS AND IMPROVEMENTS.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 3,380	Est. Rev.-Infrastructure 410-0-170001-0	Donations-Lobby Improv. 410-933690-975000-43820

(REVENUE DETAIL A/C 410-0-696101-0: OPERATING TRANSFERS-GENERAL FUND ($1,880); REVENUE DETAIL A/C 410-0-675000-0: DONATIONS ($1,500). FUNDS RECEIVED FROM AIS RENTALS ($500) AND C.A. HULL ($1,000), TO BE USED FOR LOBBY PLANTS AND IMPROVEMENTS.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 3,881	Est. Rev.-Act 51-Major Sts.202-0-170001-0	Trunkline Spec. Auth. 202-453633-746703-0

(REVENUE DETAIL A/C 202-0-617900. SPECIAL AUTHORIZATION FROM MDOT FOR INSTALLATION OF A TRAFFIC CONTROLLER AT THE INTERSECTION OF GRAND AVENUE AND SAGINAW.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$10,200.00	Fire Admin. Salaries 101-343501-702000-0	
$ 1.68	Fire Admin. Sick Leave Reimburse. 101-343501-711000-0	
3033.32	Fire HAZMAT Misc Exp 101-343525-741000-0	
$13,235		Oper. Trans.-Infrastruct. 101-933901-991410-0
$13,235		Est. Rev.-Infrastruct. 410-0-170001-0
$13,235		Radio Base Station 410-933290-977000-13076

(REVENUE DETAIL A/C 410-0-696101-0: OPERATING TRANSFER-GENERAL FUND. PURCHASE AND INSTALLATION OF REPLACEMENT VHF QUANTAR BASE STATION TO MAINTAIN FIRE DEPARTMENT COMMUNICATIONS SYSTEMS.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$300,000	Est. Rev.-Stadium Fund 234-0-170001-0	Stadium Construction 234-933992-970000-43804

(REVENUE DETAIL A/C 234-0-69631-0: TIFA LEASE PAYMENT. COSTS OF WEATHER-RELATED CONSTRUCTION FOR OLDSMOBILE STADIUM.)

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$200,000	Infrastructure-Ballfield Design 410-933991-743701-43904	Infrastructure-Fund Balance 410-0-390001-0

(Return of advanced funds per transfer resolution.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
3,900	Est. Rev.-Gen. Fund 101-0-170001-0	Parks: Athletic Field & Poo Maint.Misc.Exp. 101-783824-741000-0

(Revenue detail A/C 101-0-650100-0 Parks Sale of Advertising. Funds to be used for Scoreboard repairs at Gier Park.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 1,100	Est. Rev.-Gen. Fund 101-0-170001-0	Planning: Community Beautification 101-172620-741885-0

(Revenue detail A/C 101-0-675004-0: Donations -Neighborhoods in Bloom. Funds received from Old Kent Bank ($750); Lansing Ice and Fuel ($100), Amber Management ($50) and MPC Cashway Lumber ($200).)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 6,700	Gen. Admin. Insurance & Bonds 101-173901-748000-0	Finance, Oper. Svcs: Misc. Exp. 101-172711-741000-0

(Scanning and typesetting Costs for publication of Council proceedings for the period April 17, 1995 through August 21, 1995.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 2,000	Est. Rev.-Infrastruct. 410-0-170001-0	Oper. Trans.-Gen. Fund 410-966000-991101-0

(Revenue detail A/C 410-0-673100-0: Sale of Land. Funds to be used for purchase & shipping of storage racks for Hazel Street warehouse.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 100	Est. Rev.-Gen. Fund 101-0-170001-0	Police Admin: Donations: Prints for Life 101-343201-741894-0

(Revenue detail A/C 101-0-675000-0: Donations. Donation from First of America Bank. Funds to be Used for purchase of fingerprinting and photography supplies for program.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 8,000	General Administration Fringe Benefits 101-173901-715000-0	Parks & Recreation Department, Leisure Services: Administration Miscellaneous Expenses 101-783830-741000-0

(Additional costs for new spring recreational activities.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$15,300	Mayor: Neighborhood Grant Program 101-172300-963002-0	Parks & Recreation Department, Leisure Services: Special Recreation-Special Events 101-783833-741850-0

(Expansion of "In line Party Time" neighborhood programs ($10,650); summer swim club ($650) ; two summer trips ($2, 000); ten playground bowling units ($1, 000) and two 9-hole disc golf sets ($1,000).)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$89,000	Gen. Fund Fund Bal. 101-0-390001-0	Gen. Admin: Claims 101-173901-741700-0

(Costs & fees per Ingham County Circuit Court award, Stephen W. Duarte v. City of Lansing. Appeal remains before Michigan Court of Appeals.)

FY 1995-96
Council Meeting of May 28, 1996

By Councilmember Lilly

To separate the last transfer in the amount of $89,000 for the purpose of voting individually on that item and to conduct a roll call vote

Carried unanimously

By Councilmember Beal

To place an affirmative roll on the transfer of funds in the Amount of $89,000 to General Administration Claims for payment of a Circuit Court award in the matter of Stephen W. Duarte v City of Lansing

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ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly

By Councilmember Beal

To place an affirmative roll on the remaining transfers

Carried unanimously

RESOLUTION #243
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF LANSING

WHEREAS, the City of Lansing Parks and Recreation Department has been awarded a grant by the Trustees of the Capital Region Community Foundation from the Lansing Fund in the sum of $5,000, and

WHEREAS, the Foundation stipulates:

- the grant is to be used solely for the implementation of a youth baseball training program in coordination with the Lansing Lugnuts.
- The department will be held accountable for all financial expenditures made from this grant with an evaluation and financial recording form to be turned in no later than December 1, 1996.
- Any public announcement of this grant will identify the Lansing Fund of the Capital Region Community Foundation as the grantor. Any unexpended funds shall be returned to the Foundation.

NOW, THEREFORE, BE IT RESOLVED the City Council authorizes the acceptance of the $5,000 grant from the Capital Region Community Foundation Lansing Fund, and

BE IT FURTHER RESOLVED that the Mayor be authorized to place this funding in an appropriate expenditure account for administration of this grant upon award, and

BE IT FURTHER RESOLVED that it is the intention that the percentage of this program's participants who are City of Lansing residents be proportionate to the percentage of City of Lansing residents within the population of the metropolitan area, and

BE IT FURTHER RESOLVED that any unexpended grant funds from FY 96 be carried forward to FY 97, and

BE IT FINALLY RESOLVED that any accumulated unexpended grant funds shall be returned to the foundation at the close of FY 97.

By Councilmember Allen

Carried unanimously

RESOLUTION #244
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF LANSING

WHEREAS, the Forestry Section of the Parks and Recreation Department has been awarded an Arbor Day Mini Grant from the State of Michigan Department of Natural Resources in the sum of $200 to purchase reference materials, and

WHEREAS, the City of Lansing match for this grant is in-kind services with no financial impact.

NOW, THEREFORE, BE IT RESOLVED the City Council authorizes acceptance of the $200 mini-grant from the State of Michigan Department of Natural Resources,

BE IT FURTHER RESOLVED that the Mayor be authorized to place this funding in an appropriate expenditure account for administration of this grant upon award.

By Councilmember Allen

Carried unanimously

RESOLUTION #245
BY COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the resolution adopted by this council on May 6, 1996, the City Assessor has held a public hearing for assessment roll number B-57 for sidewalks as follows:

PROJECT TITLE: 1996 Sidewalk Repair P.S. #01020

PROPERTY BENEFITTED
SIDEWALK: The area bounded by Dunlap Street, Stabler Street, Holmes Road, and Washington Avenue. Also the area bounded by Lafayette Avenue, Andrew Avenue, N. Grand River Avenue., and Grandell Avenue. Also Cambridge Road between Nottingham Road and Moores River Drive, Moores River Drive between Cambridge

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Road and Boston Blvd., Wellington Street north of Boston Blvd., Blair Street from Wellington Street to Boston Blvd., and Pettis Street from Boston Blvd to Moores River Drive. Excepting all public streets and alleys and other land deemed not benefitted.

COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. B-57	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
SIDEWALK REPAIRS	210,539.56	77,277.64
TOTAL COSTS	210,539.56	77,277.64

NOW THEREFOR BE IT RESOLVED that special assessment roll number B-57 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

By Councilmember Leeman

Carried unanimously

RESOLUTION #246
BY COMMITTEE ON PUBLIC SERVICES
AND BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
RESOLUTION APPROVING APPLICATION FOR
CRITICAL BRIDGE FUNDING
MICHIGAN DEPARTMENT OF TRANSPORTATION

WHEREAS, the City Is bridges have been evaluated and three have been identified for making application for Critical Bridge Funding to the Michigan Department of Transportation;

WHEREAS, the bridges are the Beech Street Bridge, the Martin Luther King over the Grand River Bridge and the Elm Street Bridge;

WHEREAS, if successful, the City will be able to participate in Federal/State funding for structure construction or approach construction of 95% of construction costs and with a 5% match to be made by the City of Lansing;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the submittal by the Public Service Department for Critical Bridge Program for these bridges.

By Councilmember Leeman

Carried unanimously

RESOLUTION #247
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated a total of $43,000 in the FY96 General Fund Budget to the Community Promotions Account, for the purpose of assisting with the expenses of large community-oriented events; and

WHEREAS, the Committee on General Services has reviewed a revised request for payment of such expenses from Neighbors United in Action, for City Showmobile expenses in conjunction with NUIA's Spring Event on June 7, 1996; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby agrees to co-sponsor the NUIA Spring Event, and authorizes charges to account #101-112101-741200-0to cover the expenses of the above-described event, including Showmobile set-up and takedown with overtime, if necessary, by the Parks and Recreation Department; and

AND BE IT FURTHER RESOLVED this payment shall be made by means of an interdepartmental voucher to be generated by the Parks and Recreation Department.

By Councilmember Benavides

Carried unanimously

RESOLUTION #248
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Gier Park Community Center, the City's first full-service facility for indoor recreation, opened in late 1975; and

WHEREAS, the $656,000 center was one of the City's most ambitious recreational ventures, and was envisioned as a place with activities for all ages; and

WHEREAS, Gier offers craft classes, after-school programs, senior citizen programs, a complete gym for informal and league basketball games, a cafeteria and community room, and five small meeting rooms, all of which are designed to bring children, friends and neighbors together for fun events; and

WHEREAS, the Gier Advisory Board is celebrating the 20th anniversary of the center with

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ceremonies on May 30, 1996;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby notes the 20th anniversary of the Gier Park Community Center with pride in all that the center has meant to the North Lansing community for these years; and

BE IT FURTHER RESOLVED the City Council recognizes the integral role played by the Gier Advisory Board, including past as well as present members, in the growth and success of the center; and

BE IT FINALLY RESOLVED the Council thanks past and present leaders and staff of the Parks and Recreation Department for their operation of the Gier Center, making the best use of available resources to serve the needs of the people of North Lansing.

By Councilmember Leeman

Carried unanimously

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LEEMAN

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LEEMAN

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY

BY THE COMMITTEE ON PUBLIC SERVICES:

By COUNCILMEMBER LEEMAN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER, CHAPTER 1050 FOR THE PURPOSE OF PROVIDING FOR THE HEARING OF APPEALS FROM CHARGES OR FEES, WITHOUT FIRST REQUIRING PREPAYMENT OF SAME, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON PUBLIC SERVICES:

BY COUNCILMEMBER LEEMAN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER, CHAPTER 1050 FOR THE PURPOSE OF PROVIDING; FOR THE HEARING OF APPEALS FROM CHARGES OR FEES, WITHOUT FIRST REQUIRING PREPAYMENT OF SAME, BE NOW PASSED.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

By Councilmember Novak

That this Ordinance, being necessary for the immediate preservation of the public peace, health, or safety, shall take effect upon it's passage

Carried unanimously

ORDINANCE NO. 947

AN ORDINANCE TO ADD CHAPTER 1050, TO PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, TO PROVIDE FOR THE HEARING OF APPEALS FROM CHARGES OR FEES, WITHOUT FIRST REQUIRING PREPAYMENT OF THE SAME.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1050 is added to the Code of Ordinances of the City of Lansing, which shall read as follows:

CHAPTER 1050
APPEALS OF CHARGES AND FEES

1050.01 APPEALS OF CHARGES AND FEES. ANY CHARGES OR FEES FOR UTILITY SERVICES AUTHORIZED BY THE CODIFIED ORDINANCES OF LANSING, SHALL BE APPEALABLE, IN ACCORDANCE WITH THE GOVERNING ORDINANCE OR OTHER CONTROLLING LAW. NOTWITHSTANDING ANY PROVISION IN THE CODIFIED ORDINANCES TO THE CONTRARY, PRE-PAYMENT OF SAID CHARGES OR FEES SHALL NOT BE REQUIRED AS A CONDITION OF HEARING AN APPEAL, UNLESS PROVIDED BY STATE LAW.

1050.02 EXCEPTION. THE FOREGOING SECTION SHALL NOT ALTER THE PROCEDURE APPLICABLE TO OBJECTIONS OR APPEALS OF SPECIAL ASSESSMENTS AND REAL ESTATE PROPERTY TAX LEVIES.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

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Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

Given Immediate Effect by motion of Councilmember Novak

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a request for waiver of showmobile fees from Neighbors United in Action

HANDLED AS RESOLUTION #247

2. From Councilmember Allen; a letter from Helen Fiser of 12100 S. Cork Rd. in Morrice, MI requesting documentation of the 1.6 Billion gallons of raw sewage that the City has claimed is being discharged into the Grand River

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES, THE PUBLIC SERVICES DIRECTOR, AND COUNCILMEMBER NOVAK

3. From Councilmember Leeman; a resolution of tribute to the Gier Park Community Center on the occasion of it's 20th anniversary

HANDLED AS RESOLUTION # 248

PUBLIC COMMENTS

Helen Fiser of 12100 S. Cork in Morrice said that the answer she received from the City Attorney's Office is not acceptable to her. She demanded proof that the City's claim of discharging 1.6 billion gallons of raw sewage into the Grand River per year is truthful.

William Hubbell of 1827½ W. Holmes Rd. thanked Council for approving his nomination to the Memorial Review Board. He suggested that the plaque honoring former Councilmember, Lucile Belen, at the Lucile Belen Ballroom in the Lansing Center be moved down to eye level, as it is too high to be seen in it's current position.

Chris Cotter of 2111 Harding said that he is a candidate for Ingham County Drain Commissioner and opposes the Stormwater Enterprise Fund fees being charged to Lansing area Churches. There is a lot of confusion over this ordinance among Ingham County residents. He feels Council should reconsider their actions.

Mark Eggleston of 4001 Heathgate invited the public to the 23rd Annual High School Senior's All Star Game to be held on Sunday, June 16, 1996 at Oldsmobile Park from 2:00 P.M. to 4:30 P.M. The three Lansing High Schools will be involved with other schools from the Tri-County area. Tickets will be sold at the gates. He thanked the Lugnuts for leasing the use of the park to them. He urged everyone to watch the replay of Required Viewing tonight at 11:00 p.m. to see his review of the recount of the November 1995 General Election.

Neila Tillman of 837 W. Northrup told Council about House Bill #3039 sponsored by Congressman Dick Chrysler. This bill would eliminate income tax and replace it with a 15% sales tax. She urged everyone to oppose this bill. The result would be a much higher tax to most families than they now pay in income tax.

David Faidley of 2306 Teal Ave. said that the City is preventing him from parking his Semi-truck in his own drive-way. He asked what authority the City has to tell him that he cannot park his truck in his own driveway.

Linda Henderson of 206 Allegan stated her concern about the summary used by the MOST group on their petitions as it relates to Chapter 297. It is her opinion that Chapter 297 is an administrative act by the City and as such, cannot be repealed by an action of the people.

Ed Simmer of 2609 Dier St. asked to have Park Rangers put back into City Parks to operate activities programs for kids in the City.

Lloyd Teets of 116 E. Elm St. stated that he would propose an alternative to the Stormwater Enterprise Fund at next week's meeting.

Richard M. Fiser of 12100 S. Cork in Morrice asked if the Public Service Department would contact all the people who filed appeals on their Stormwater Enterprise Fund fees, whose appeals have not previously been processed because they had not paid the fee.

Jim Harken of 315 Bingham St. declared that the low income families in the City of Lansing are subsidizing the provision of water services to Delhi and Watertown Townships.

Tom Hearnley of 3425 Palmer St. criticized Councilmember Leeman for not notifying people of Tomorrow's meeting of the Public Services Committee for discussion of the Stormwater Enterprise Fund fee issue.

Ammahad Shekarakki of 902 W. Willow stated that he is here to speak on behalf of veterans who are not her to speak for themselves. We should be honoring veterans, who have kept us safe in the past, 365 days per year not just

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THREE DAYS AT THE END OF MAY.

BERNIE MEISSNER, NO ADDRESS GIVEN, ANNOUNCED THAT THE PETITIONS CIRCULATED BY MOST HAVE BEEN THROWN OUT BY JUDGE GLAZER BECAUSE THE GROUP DID NOT ATTACH A FULL COPY OF THE ORDINANCES TO THE PETITIONS. THEREFORE, THEY WILL BE CONDUCTING ANOTHER PETITION DRIVE. THEY BELIEVE THAT THIS IS A BLESSING IN DISGUISE. NOW THEY HAVE AN OPPORTUNITY TO PROVE TO PEOPLE THAT THEIR CLAIMS ABOUT WHAT THE ORDINANCES DO ARE NOT FALSE. THE NEW PETITION DRIVE WILL KICK-OFF ON THURSDAY AT 6:30. HE URGED EVERYONE INTERESTED IN CIRCULATING PETITIONS TO CALL 887-SAVE TO PICK UP PETITIONS TO CIRCULATE. THE LANSING EQUAL RIGHTS TASK FORCE DOES NOT WANT THIS ISSUE PLACED ON THE BALLOT TO BE DECIDED BY THE VOTERS OF THE CITY. HE APPEALED TO EVERYONE WHO FEELS THAT THE VOTERS SHOULD DECIDE THIS QUESTION TO HELP THEM IN THEIR PETITION DRIVE.

BOB EGAN OF 733 W. SHIAWASSEE, CO-CHAIR OF THE LANSING EQUAL RIGHTS TASK FORCE COMPLAINED THAT THE PRINTING ON THE NEW MOST PETITIONS IS TOO SMALL TO READ. THE ORDINANCES THAT WILL BE CIRCULATED WITH THE PETITIONS ARE PRINTED IN CONDENSED PRINT AND COPIED ONTO LEGAL SIZED PAPER, MAKING THEM DIFFICULT TO READ

COUNCILMEMBERS COMMENTS

COUNCILMEMBER LEEMAN ANNOUNCED A PUBLIC SERVICES COMMITTEE MEETING SCHEDULED FOR TUESDAY AT 11:30 A.M. FOR THE PURPOSE OF REVIEWING THE ENTIRE CSO PROJECT. REPRESENTATIVES OF DEQ AND THE MML WILL BE ON HAND AND WILL MAKE A 15 MINUTE PRESENTATION. THE PUBLIC SERVICE DEPARTMENT WILL BE PRESENT AND WILL PROVIDE COUNCIL WITH COPIES OF THE 1991 CSO PLAN, THE NPDES PERMITS, AND THE MICHIGAN COMPILED SEWER OVERFLOW CONTROL PROGRAM MANUAL. THE MEETING WILL BE TELEVISED ON CHANNEL 28. THE MEETING WILL RECESS AT 1:00 AND RECONVENE AT 4:00 TO TOUR THE WWTP IN AN EFFORT TO UNDERSTAND HOW THE SYSTEM WORKS FOR WASTE WATER AND FOR STORM WATER RUNOFF. THERE HAS BEEN AN ANNOUNCEMENT OF THIS MEETING RUNNING ON CHANNEL 28 ALL OF LAST WEEKEND. THE DEPARTMENT OF ENVIRONMENTAL QUALITY WILL ADDRESS THE ISSUE OF WHETHER THERE ARE FEDERAL MANDATES FOR THE PROGRAM. HE URGED EVERYONE TO ATTEND THE GIER PARK COMMUNITY CENTER ANNIVERSARY CELEBRATION THIS THURSDAY. THERE WILL BE FREE FOOD AND ENTERTAINMENT, MUSIC AND FUN FOR THE WHOLE FAMILY.

COUNCILMEMBER ALLEN SAID THAT SHE IS DISAPPOINTED THAT THE MEETINGS THAT WERE SET UP ON THE CSO PROJECT WERE SCHEDULED FOR DAY TIME. SHE SAID THAT SHE DID NOT RECEIVE NOTICE OF THE MEETINGS UNTIL THIS LAST WEEKEND, AND SHE HAS PRIOR COMMITMENTS.

COUNCILMEMBER BENAVIDES ANNOUNCED THE REO ELEMENTARY SCHOOL PROJECT PLAY DEDICATION CEREMONY TUESDAY AT 6:00 P.M. THEY WILL HAVE A PICNIC AND ENTERTAINMENT. HE ASKED THE ADMINISTRATION TO LOOK INTO INCIDENCES OF GRAFFITI AND OTHER AFTER-HOURS ILLEGAL ACTIVITIES AT THE COLONIAL VILLAGE SHOPPING MALL.

COUNCILMEMBER NOVAK ASKED THAT THE NEW MOST PETITIONS BE PLACED ON THE AGENDA FOR THE NEXT COMMITTEE OF THE WHOLE MEETING.

COUNCILMEMBER LILLY ACCUSED COUNCILMEMBER NOVAK OF RELEASING INACCURATE, MISLEADING INFORMATION.

COUNCIL PRESIDENT JONES THANKED KAREN SCHMIDT OF CHANNEL 28 FOR FILMING THE 'FEELIN GOOD MILEAGE CLUB'.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

MRS. ESTLUND OLSON RESPONDED TO COUNCILMEMBER BENAVIDES' REQUEST ABOUT COLONIAL VILLAGE AND SAID THAT THE ADMINISTRATION IS ALREADY LOOKING INTO THE GRAFFITI REMOVAL ISSUE.

ADJOURNED 9:15 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JUNE 3, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Councilmembers Allen, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmember Bauer (arrived 7:10 p.m.)

The Invocation and Pledge of Allegiance were led by Councilmember Allen

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a request from Mayor Hollister that items X C-15 and X C-16, Letters from the Mayor, regarding appointments to the Historic District Commission be pulled

2. From Councilmember Novak; a Resolution appropriating funds to pay the expenses for two members of the Ad Hoc Housing Committee to attend a HUD Summit in Washington, D.C.

3. From Councilmember Benavides; a Resolution approving Non-Profit Status for the Veterans Baseball League

4. From Councilmember Allen; a letter from James Campana of 6239 S. Washington Ave. regarding several traffic issues

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister, along with Council President Jones, presented Certificates of Recognition to a Delegation of Lansing Students and their Chaperones who have recently returned from visiting our Sister City, Otsu, Japan.

PUBLIC COMMENT

James Gibbs of 2615 Delta River Dr. spoke in opposition to the Civil Rights Ordinances passed by Council on March 19, 1996. The resolution on tonight's agenda approving ballot language to repeal the ordinances is premature, and constitutes an attempt by City Council to confuse the issue before the voters by adding language that is contradictory to the language being submitted by MOST.

Clyde Smith of 2244 Tecumseh River Dr. stated his opposition to the civil rights ordinances that were passed by City Council. He described homosexuality as 'gender incest'. The City is in an extremely delicate situation, however, laws are made to stand up for values. Their purpose is to uphold moral concepts, and this is a moral issue. He supports putting this issue on the ballot, but does not approve of Council's move to place their own language on the ballot.

Bernie Meissner of 635 LaSalle Blvd., Chairman of MOST (Majority Opposed to Special Treatment) said that the resolution being adopted by Council tonight is nothing but an attempt to derail the MOST petition drive. They will continue the drive and will collect the requisite amount of signatures to place their own language on the ballot as they did in March. This is just an attempt by Council to put conflicting language on the ballot. All it really does is create confusion. He urged Council not to fool around with the language being placed on the ballot by MOST. It does not make sense for Council to oppose the ballot language being circulated by MOST, because it is the exact wording of the introductory paragraph of the Ordinance as adopted by City Council. This paragraph was developed by the Human Relations Advisory Board and Bob Egan, Co-Chair of the Lansing Equal Rights Task Force. This is not a straight forward attempt by Council to give the people a fair vote on this issue.

Jenny Schans of 4233 W. Grand River accused Council of trying to confuse voters by making a yes vote mean no and a no vote mean yes. She urged Council to postpone this vote for three weeks and give MOST a chance to complete their second petition drive.

Pat O'Donnell of 619 N. Foster asked Councilmember Leeman why he changed his stance on this issue. He asked for a definition of 'hate crimes' and asked if the mere fact of his speaking against the ordinance tonight, constitutes a hate crime.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Equal Rights Task Force thanked Council for the passage of the civil rights ordinances on March 19, 1996. His group does

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not believe that the rights of a minority group should be put to a vote by the majority. He asked Council to be strongly deliberative on this issue tonight and to pass the resolution they have before them which allows the citizens of the City to vote for an ordinance that protects all people.

Lloyd Teets of 116 E. Elm St. thanked Council for confirming the appointment of William Hubbell to the Memorial Review Board. He stated his support for the resolution approving ballot language to place the repeal of the Civil Rights Ordinances on the November General Election ballot.

Linda Henderson of 206 Allen St. said that the ballot language being adopted tonight does not come from the Lansing Equal Rights Task Force. They did not hear about this resolution until after Councilmember Novak had discussed the issue with Mr. Meissner. She believes Chapter 297 to be an administrative act, and not subject to the will of the people. The Task Force has no objection to the MOST language as it appears on their petitions. They do feel, however, that it is Council's responsibility to let the people of the City of Lansing know exactly what they are voting on.

Alexander Bolt of 1230 Reo Rd.. criticized Judge Glazer's decision on the Civil Rights Referendum Petitions. This, he said, is a blow to participative democracy by the American people. He urged the City Clerk to appeal Judge Glazer's decision. This is a ridiculous precedent that the Judge has set and it needs to be set right.

Ron Britton of P.O. Box 152 in Eaton Rapids stated his opposition to the resolution approving ballot language repealing the civil rights ordinances, calling it, "an attempt by City Council to muddy the waters." This could turn out to be political suicide for Councilmembers.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Brad Smith of 1114 N. Gunnell Rd.., Eaton Rapids suggesting remedies for two traffic problems in Lansing; 1 at the intersection of St. Joseph and Grand Ave. and 1 at the intersection of Pierce and Lowcroft

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

B. Letter from the National League of Cities submitting a statement for membership dues from August 1, 1996 through July 31, 1997

REFERRED TO THE MAYOR

C. Letter from the State of Michigan Department of Labor regarding Renewal of Inspector Registrations (Cycle 1)

REFERRED TO THE MAYOR

D. Letter from the Eyde Company opposing the Proposed Principal Shopping District Ordinance

REFERRED TO THE MAYOR AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

E. Letter from Leslie Joan Cavell of the Old Town Commercial Association urging participation in their Association

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister had no comments at this time

CITY OFFICER AND BOARD REPORTS

A. Information-only items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letter from the Board of Water & Light submitting notice of a Public Hearing for consideration of a New General Steam Service Rate No. 3 Schedule

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Withdrawal of SLU-16-96, N. End of Westwood Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2/ Transfer of Funds: Planning & Neighborhood Dev., General Administration, Community Supported Agencies, P.A.L., Human Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Letter from the Black Child and Family Institute regarding Graffiti Removal

RECEIVED AND PLACED ON FILE

4/ Letter from Black Child and Family Institute

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REGARDING THEIR AGREEMENT WITH TARGET STORES TO REMOVE GRAFFITI IN JULY

RECEIVED AND PLACED ON FILE

5/ Z-03-96, VACANT EASTERLY PORTION OF PROPERTY AT 330 CLOVERLAND

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6/ Z-04-96, 4720 S. CEDAR ST.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7/ Z-05-96, VACANT PARCEL, SW CORNER OF M.L.K. AND MARY AVE.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

8/ Z-06-96, 206 E. GRAND RIVER

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

9/ APPOINTMENT OF ANDREW FREDRICKS TO THE PLANNING BOARD FOR AN AT-LARGE TERM TO EXPIRE 6/30/2000

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

10/ APPOINTMENT OF LYNDA ROSSI TO THE EMPLOYEES RETIREMENT SYSTEM BOARD FOR A TERM TO EXPIRE 6/30/99

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

11/ APPOINTMENT OF PATTY FARHAT REED TO THE BOARD OF POLICE COMMISSIONERS FOR AN AT-LARGE TERM TO EXPIRE 6/30/99

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

12/ REAPPOINTMENT OF GARRY GOOLSBY TO THE PLANNING BOARD FOR A TERM TO EXPIRE 6/30/99

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

13/ REAPPOINTMENT OF JANE MARSHALL TO THE PLANNING BOARD FOR A THIRD WARD TERM TO EXPIRE JUNE 30, 1999

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

14/ REAPPOINTMENT OF JARL NISCHAN TO THE PLANNING BOARD FOR A FIRST WARD TERM TO EXPIRE JUNE 30, 2000

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

15/ REAPPOINTMENT OF STEPHANIE I. WHITBECK TO THE HISTORIC DISTRICT COMMISSION FOR A TERM TO EXPIRE JUNE 30, 1999

PULLED FROM THE AGENDA AT THE REQUEST OF THE MAYOR

16/ REAPPOINTMENT OF ROBERT BUSBY TO THE HISTORIC DISTRICT COMMISSION FOR A TERM TO EXPIRE JUNE 30, 1999

PULLED FROM THE AGENDA AT THE REQUEST OF THE MAYOR

COMMITTEE REPORTS

RESOLUTION #249

REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, TO WHOM WAS REFERRED A REQUEST FROM THE LANSING SCHOOL DISTRICT ALTERNATIVE EDUCATION PROGRAM FOR A WAIVER OF THE $40 PAVILION FEE AT FRANCES PARK FOR AN END-OF-YEAR CELEBRATION,

REPORTS AS FOLLOWS: THE COMMITTEE VOTED TO DENY THE REQUEST, BUT TO FUND THE $40 FROM COUNCILMEMBER BENAVIDES' AND BAUER'S EXPENSE ACCOUNTS. PARKS AND RECREATION DEPARTMENT FEES CANNOT BE WAIVED, BUT MUST BE FUNDED FROM ANOTHER SOURCE. THIS REPORT IS FOR INFORMATION ONLY, AND NO COUNCIL ACTION IS REQUIRED AT THIS TIME.

SIGNED: TONY BENAVIDES, CHAIR
JOAN BAUER, VICE CHAIR
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #250

BY THE COMMITTEE ON GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, ON NOVEMBER 20, 1995, THIS COUNCIL ADOPTED ORDINANCE NUMBER 926, WHICH ADDED A NEW CHAPTER 285 TO THE CITY CODE TO CREATE A NEW MEMORIAL REVIEW BOARD CONSISTING OF EIGHT MEMBERS, AND TO SPECIFY THE DUTIES OF THE BOARD; AND

WHEREAS, THE MAYOR HAS SUBMITTED THE NAMES OF

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TWO CITIZENS FOR APPOINTMENT TO THE BOARD; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS WAIVED THE NEW APPOINTEE INTERVIEW REQUIRED BY COUNCIL POLICY, KNOWING EACH TO BE WELL-QUALIFIED FOR SERVICE ON THIS BOARD, AND RECOMMENDS CONFIRMATION OF THE MAYOR'S APPOINTMENTS;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE FOLLOWING MAYORAL APPOINTEES TO THE MEMORIAL REVIEW BOARD, FOR TERMS AS INDICATED:

LINDA HEADLEY, 2709 NORWICH ROAD, AT-LARGE, TERM TO EXPIRE JUNE 30, 1997;

WILLIAM HUBBELL, 1827 ½ W. HOLMES ROAD, AT-LARGE, TERM TO EXPIRE JUNE 30, 1997.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #251
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CLERK HAS FORWARDED FOUR APPLICATIONS FOR CITY LICENSES, WHICH HAVE BEEN ROUTINELY PROCESSED WITHOUT OBJECTION AND ARE READY FOR FINAL ACTION BY THIS COUNCIL; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES RECOMMENDS THAT THE LICENSES BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE FOLLOWING APPLICATIONS FOR CITY LICENSES:

WASTE HAULER LICENSE: BFI WASTE SYSTEMS OF MICHIGAN, INC. 100 E. NORTH, KALAMAZOO; SPARTAN SERVICES, INC. 1048 PIERPONT #2, LANSING; THE RECYCLERS OF INGHAM, EATON & CLINTON COUNTIES 700 E. KALAMAZOO, LANSING

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #252
BY THE COMMITTEE OF THE WHOLE

WHEREAS, IT IS THE OBJECTIVE OF THE CITY OF LANSING TO WORK IN PARTNERSHIP WITH OTHER ORGANIZATIONS TO PROVIDE SHELTER AND SUPPORTIVE SERVICES TO HOMELESS INDIVIDUALS AND FAMILIES, AND TO WORK TOGETHER TO ASSIST THIS SPECIAL NEEDS POPULATION IN ACQUIRING PERMANENT HOUSING AND ATTAINING SELF SUFFICIENCY; AND

WHEREAS, THE CITY IN A PARTNERSHIP WITH OVER TWENTY (20) AGENCIES IN THE GREATER LANSING AREA HAS FORMED THE GREATER LANSING HOMELESS RESOLUTION NETWORK TO DEVELOP A STRATEGY AND PROGRAM TO MORE COMPREHENSIVELY AND EFFECTIVELY ADDRESS THE NEEDS OF THE HOMELESS POPULATION IN THE AREA; AND

WHEREAS, THE GLHRN HAS WORKED TOGETHER OVER THE PAST SEVEN (7) MONTHS TO DEVELOP A STRATEGY AND PROGRAM, AND HAVE PREPARED A PLAN OF ACTION WITH PRIORITY PROJECTS; AND

WHEREAS, THE CITY IN PARTNERSHIP WITH THE GLHRN DESIRES TO APPLY TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ON A COMPETITIVE BASIS FOR A GRANT IN THE AMOUNT OF $4.9 MILLION THROUGH THE CONTINUUM OF CARE HOMELESS ASSISTANCE PROGRAM TO FINANCE THIS COMPREHENSIVE PROGRAM OF SERVICE AND SHELTER FOR A THREE (3) YEAR PERIOD; AND

WHEREAS, THE CITY WILL BE THE GRANTEE FOR THE FUNDS, AND OTHER AGENCIES, AS PARTNERS, WILL SPONSOR THE PROGRAM ACTIVITIES AS SUB-RECIPIENTS OF THE CITY AS INDICATED IN THE APPLICATION; AND

WHEREAS, THE MAXIMUM MATCH THAT MAY BE INCURRED BY THE CITY AND ITS SUB-RECIPIENTS WILL NOT EXCEED $250,000 AND WILL BE COVERED THROUGH FUNDS THAT WILL BE MADE AVAILABLE THROUGH THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY AND/OR THROUGH THE CITY'S HOME AND CDBG PROGRAMS.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL AUTHORIZES THE ADMINISTRATION TO APPLY FOR THE GRANT, AND TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO ACCEPT THE GRANT, SUBSEQUENT TO REVIEW AND APPROVAL BY THE CITY ATTORNEY, SHOULD THE APPLICATION BE APPROVED BY HUD.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #253
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, VERNON J. ANDREWS FILED A CLAIM AGAINST THE CITY IN THE AMOUNT OF $268.00 IN PROTEST OF A SPECIAL ASSESSMENT FOR A TRASH REMOVAL AT HIS RENTAL PROPERTY LOCATED AT 1815 SOUTH PENNSYLVANIA AVENUE; AND

WHEREAS, THE CITY ATTORNEY'S STAFF RECOMMENDATION WAS TO DENY THE CLAIM, WHICH WAS CONCURRED IN BY THE CLAIMS REVIEW COMMITTEE; AND

WHEREAS, THE CLAIMANT APPEALED THE DENIAL TO THE CITY COUNCIL AND APPEARED BEFORE THE GENERAL SERVICES COMMITTEE, FURNISHING TESTIMONY IN SUPPORT OF THE CLAIM; AND

WHEREAS, UNDER THE PARTICULAR CIRCUMSTANCES OF THIS CLAIM, THE COMMITTEE DETERMINED THAT THE

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claimant was due for some relief from the entire amount of the assessment, and negotiated a settlement wherein the claimant agreed to pay the contractor's charge to remove the trash, or $78.00, and the remainder of the assessment is to be removed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to settle the claim of Vernon J. Andrews by reducing the charge for City abatement of the subject trash violation to $78.00; and

BE IT FURTHER RESOLVED the City Clerk is requested to forward this resolution to the City Attorney for action to settle the claim.

By Councilmember Benavides

Carried unanimously

RESOLUTION #254
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF LANSING

WHEREAS, on April 3, 1995 the City Council adopted Resolution #241 the City of Lansing Five Year Recreation Plan for 1995 through 2000; and

WHEREAS, the Five Year Recreation Plan recommends certain improvements be made to Foster Community Center; and

WHEREAS, the Park Board on September 20, 1995, December 6, 1995, January 17, 1996 recommended improvements be made to Foster Community Center; and

WHEREAS, the Committee on Ways and Means reviewed the Infrastructure Needs Assessment revised May 22, 1996 which includes 10 year phased yearly priorities for Foster Community Center; and

WHEREAS, Council Resolution 225 of May 20, 1996, authorized "that the remaining unencumbered balance in the Community Center Repairs account shall be retitled for Foster Center Repairs" in addition to earmarked millage from the 1997 Capital Improvement Program;

NOW, THEREFORE, BE IT RESOLVED, that it is the intention of the Committee to merge the first two yearly priorities for the Foster Community Center into one project which shall be known as Phase One; and

BE IT FURTHER RESOLVED, that the Administration is requested to report back to Council as to a source for any remaining funds necessary to complete Phase One.

NOW, THEREFORE, BE IT FINALLY RESOLVED that the City of Lansing agrees to proceed with funding the design and first phase of construction.

By Councilmember Beal

Carried unanimously

RESOLUTION #255
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council enacted certain civil rights amendments to Chapter 296 on March 18, 1996, as ordinance #944 which amended the City's Fair Housing Ordinance ("the civil rights amendments");and

WHEREAS, the civil rights amendments were the subject of a referendum petition drive which collected over 7,000 signatures but which was invalidated by the Ingham County Circuit Court in Equal Rights Task Force v Lansing City Clerk because the petitions failed to attach the full ordinance in compliance with Section 2-403 of the Lansing City Charter; and

WHEREAS, the Council is interested in having full and accurate disclosure, in any election involving the civil rights amendments, as to what the amendments actually do;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council, acting pursuant to Section 2-407 of the City Charter, hereby submits the following ballot language for consideration on the ballot this November 5, 1996:

On March 18, 1996, the Lansing City Council votedto prohibit discrimination in employment, public accommodations and public services on the basis of religion, race, color, sex, age, height:, weight, familial status, marital status, ancestry, national origin, sexual orientation, political orientation, handicap, the use of adaptive devices or source of income. The Council also added the categories of height, weight, familial status, sexual orientation, and source of income to the City's existing prohibition of discrimination in housing.

Should the Lansing City Council's enactment be repealed?

*Yes*_____ *No*_____

By Councilmember Beal

To accept a friendly amendment proposed by Councilmember Novak to replace the word

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"SHOULD", IN THE NEXT TO THE LAST LINE OF THE RESOLUTION, WITH THE WORD "SHALL", AND TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED

BY COUNCILMEMBER LILLY

TO TABLE THIS RESOLUTION UNTIL SUCH TIME AS THE MOST GROUP HAS EITHER COMPLETED THEIR SECOND PETITION DRIVE, OR THE TIME ALLOTTED FOR THE DRIVE HAS EXPIRED

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BENAVIDES, LILLY

NAYS: COUNCILMEMBERS BAUER, BEAL, JONES, LEEMAN, NOVAK

BY COUNCILMEMBER

TO CALL THE QUESTION ON COUNCILMEMBER BEAL'S MOTION TO A VOTE

CARRIED UNANIMOUSLY

COUNCILMEMBER BEAL'S MOTION FOR AFFIRMATIVE ROLL AS AMENDED WAS;

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS BAUER, BEAL, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBERS ALLEN, BENAVIDES, LILLY

RESOLUTION #256
BY COUNCILMEMBER JONES AND NOVAK
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, MEMBERS OF THE CITY OF LANSING AD HOC COMMITTEE ON HOUSING DESIRE TO SEND TWO COMMITTEE MEMBERS TO THE NATIONAL HOME OWNERSHIP SUMMIT TO BE HELD ON JUNE 6 AND 7, 1996, IN WASHINGTON, D.C.; AND

WHEREAS, THERE IS NO REGISTRATION FEE FOR ATTENDING THIS SUMMIT; AND

WHEREAS, OTHER ASSOCIATED COSTS ARE MINIMAL AND EXPECTED TO BE APPROXIMATELY $1,000.00 IN TOTAL; AND

WHEREAS, THE INDIVIDUALS DESIGNATED TO ATTEND THIS CONFERENCE ARE AND HAVE BEEN ACTIVE IN CITY OF LANSING AND OTHER NON-PROFIT HOME OWNERSHIP PROGRAMS;

NOW, THEREFORE BE IT RESOLVED THAT THE LANSING CITY COUNCIL HEREBY AUTHORIZES THE EXPENDITURE OF FUNDS FOR THIS PURPOSE FROM THE GENERAL ADMINISTRATION CITY SPECIAL EXPENSE ACCOUNT; AND

BE IT FURTHER RESOLVED THAT THE EXPENDITURE OF FUNDS FOR THIS PURPOSE IS TO BE CONSISTENT WITH CITY OF LANSING POLICY GOVERNING TRAVELING COSTS; AND

BE IT FINALLY RESOLVED THAT THE ADMINISTRATION IS AUTHORIZED TO TRANSFER NEEDED FUNDS INTO THIS ACCOUNT SHOULD A SHORTFALL OF FUNDS OCCUR AS A RESULT OF THIS ACTION.

BY COUNCILMEMBER NOVAK

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: COUNCILMEMBER BEAL (ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTION #257
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE VETERANS' BASEBALL ASSOCIATION, INC., HAS REQUESTED NON-PROFIT STATUS RECOGNITION FROM THE LANSING CITY COUNCIL, AND

WHEREAS, THE CITY ATTORNEY HAS REVIEWED THE APPROPRIATE DOCUMENTS AND BY-LAWS AND HAS DETERMINED THAT THE VETERANS' BASEBALL ASSOCIATION, INC., QUALIFIES AS A NON-PROFIT CORPORATION;

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL OF THE CITY OF LANSING HEREBY RECOGNIZES THE VETERANS' BASEBALL ASSOCIATION, INC., AS A NON-PROFIT ORGANIZATION.

BY COUNCILMEMBER BENAVIDES

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBERS BEAL AND LILLY (BOTH MEMBERS ABSENT AND UNEXCUSED FOR THIS VOTE)

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER LILLY; A REQUEST FROM MAYOR HOLLISTER THAT ITEMS X C-15 AND X C-16, LETTERS FROM THE MAYOR, REGARDING APPOINTMENTS TO THE HISTORIC DISTRICT COMMISSION BE PULLED

PULLED FROM THE AGENDA AT THE REQUEST OF THE MAYOR

2. FROM COUNCILMEMBER NOVAK; A RESOLUTION APPROPRIATING FUNDS TO PAY THE EXPENSES FOR TWO MEMBERS OF THE AD HOC HOUSING COMMITTEE TO ATTEND A HUD SUMMIT IN WASHINGTON, D.C.

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HANDLED AS RESOLUTION #256

3. From Councilmember Benavides; a Resolution approving Non-Profit Status for the Veterans Baseball League

HANDLED AS RESOLUTION # 257

4. From Councilmember Allen; a letter from James Campana of 6239 S. Washington Ave. regarding several traffic issues

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND TO THE TRAFFIC DEPARTMENT

PUBLIC COMMENTS

Kris Cotter of 2111 Harding Ave. stated that he is a candidate for the office of Ingham County Drain Commissioner, and further, that he opposes the Stormwater Enterprise Fund Fee because it is not fair to people on fixed incomes. The City should be pursuing State and Federal funding for this project.

Clyde Smith of 2244 Tecumseh River Dr. said that at a recent neighborhood meeting in his area they received a report on crime statistics for their part of the City. These statistics were very low. They attribute this to their communications with their Community Policing Officer, Kenneth Collison, and to the attempts by residents to reduce crime. They have issued a warning to all criminals to stay out of the River Forest Neighborhood. He urged all residents to make sure that the police know what is going on in their neighborhoods. His neighborhood is checking into the idea of starting a 'Court Watch'.

Alexander Bolt of 1230 Reo Rd.. stated that, after reading the ballot language approved by Council tonight, he agrees that it is more clear than the MOST language. He submitted a FOIA request to the City Attorney's Office and was informed that it would cost him $14,000 to receive copies of the documents he has requested. He claimed that the City has not notified the State of any CSO discharge events by the City of Lansing. This is a State Law and the City is supposed to comply with it. He claims that there is no CSO problem, only a problem with stormwater pollution, and the CSO Project does not address it.

Helen Fiser of 12100 S. Cork Rd.. in Morrice objected to the manner in which the Public Services Committee sets up it's meetings. She stated that Council has no proof of the claims that they have made regarding the CSO Project.

Brian Barkley of 715 Emily said that if the resolution on ballot language that was passed tonight will reduce legal dilemmas for Council, that is fine. However, MOST will still put their language on the ballot and they believe that they will succeed.

Dick Fiser of 12100 S. Cork asked when people would be contacted by the Public Service Department about their appeal of Stormwater Enterprise Fund fees.

Tom Shiels of 1118 Riley St. stated a complaint about the condition of city streets. The erratic drivers that are being stopped by the Police are not under the influence of alcohol, he said, they are trying to avoid pot holes. He reported 19 pot holes on his street. He went out and circled 12 of them with chalk. City workers came and filled 12 pot holes, but three of the holes he outlined with chalk remain unfilled. He suggested that the City lease their streets to General Motors for a proving ground for new cars.

Lloyd Teets of 116 E. Elm St. read parts of Draft #6 of the Stormwater Enterprise Fund Ordinance.

COUNCILMEMBERS COMMENTS

Councilmember Lilly asked the Administration to review the long-term financial condition of the City considering the eventual move of General Motors and the Purchase by the State of Michigan of the Grand Towers Building, as well as the moving of their workers out of the City. He wants to see some projections for the affect these events will have on the City financially. He would like the City to look at financial indicators with the Tri-County Regional Planning Commission and the Lansing School District. He requested that a report be prepared by the end of this year, or at least prior to the adoption of next year's budget. He requested that this issue be placed on the agenda for the next Committee of the Whole Meeting. He announced that the proposed Steam Clock in Wentworth Park will not be on the Development and Planning Committee's Agenda for tomorrow.

Council President Jones directed that this issue be placed on the agenda for the Committee of the Whole for discussion this Thursday.

Councilmember Bauer congratulated the Parks Department and the Gier Community Center on their beautiful facility and the great Anniversary Event they hosted last week. She reported attending the Michigan Run and commented on the enthusiasm of the crowd for beginning the race from Oldsmobile Park. She announced a meeting of the District Library Committee this Thursday at 7:00 at the County Court House. This is a public meeting and will be attended by supervisors from surrounding townships.

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Councilmember Beal reported that Clippert St. is being resurfaced. She announced that the City is expecting more bad news in terms of the long term financial outlook. It is time, she said, for Council to get a handle on the real direction the City is going in. They must make Lansing a city that people want to live in, invest in and raise their kids in. She announced a meeting of the Committee on Ways and Means this Wednesday at 4:00 P.M. when they will take up the sewer rate methodology. They have tried unsuccessfully to get information from the Board of Water & Light regarding the administrative charges they charge to the City to administer the Sewer System and it's billing.

Councilmember Novak asked for a schedule of Street Sweeping to be run on Channel 28. He offered to debate with Mr. Teets some of the statements he made regarding the Stormwater Enterprise Fund Ordinance, but in a more informal setting.

Councilmember Benavides announced the cancellation of this week's General Services Committee meeting.

Councilmember Allen reported that the Public Safety Committee will take up the issue of salary increases for Crossing Guards at their meeting this week.

Councilmember Leeman thanked Councilmember Bauer for her comments about the Gier Park Community Center anniversary party. Darryl Burgess was at the event and filmed it for his Cable TV Show 'Required Viewing', which will air on Friday evening at 8:00 P.M. He reported that the Public Service Committee had a good, productive meeting last Wednesday with representatives of MML and DEQ for discussion of the CSO project. This meeting was televised and will be replayed on Channel 28. They dealt with the 1.6 billion gallons of sewage being discharged into the Grand River. They will take this issue up again at their meeting of June 12, 1996 from 7:00 P.M. to 9:00 P.M. He advised residents of the East Side who are interested in receiving more information about street construction to call 694-3944 between 8:00 A.M. to 5:00 P.M.

President Jones thanked the students, parents and staff of the Reo Rd. School for the Project Play dedication last week. He also sent his thanks to the volunteers who planted flowers last weekend to help beautify the City.

CITY CLERK'S COMMENTS

City Clerk Slade Appealed to the viewing audience for pollworkers. The City Clerk's Office expects to come up short of the number of workers required to staff the polls for both the August and November Elections. Additional workers are needed this year, because it is a Presidential Election Year. She anticipates needing approximately 200 more workers for the November election than she has on her books right now. City Council approved an increase in the pay for pollworkers in the Budget this year. Inspectors will now earn $85.00 per day and Chairpersons will earn $110. Additionally, there is a $15.00 bonus for attending instructional classes. The day begins for pollworkers at 6:00 A.M. and does not end until the polls close at night.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener thanked the Fire Fighters and Police Officers who assisted with the evacuation of City Hall last Thursday A.M. when a gas leak was detected across the street on Michigan Ave. The entire block that City Hall occupies was evacuated to protect the people who work in it. He thanked the Public Service Department for the Tour. He announced a neighborhood event at the Caesar/Donora Park this Friday, where they will have available; information about City services, Clowns and Ice Cream.

He agreed with Councilmember Lilly's suggestions for assessing the financial position of the City and said that the Administration will follow-up on setting up related meetings.

ADJOURNED 9:40 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JUNE 10, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmember Beal (Arrived 7:15)

The Invocation was led by Councilmember Novak, and the Pledge of Allegiance was led by the 7th Michigan Volunteer Infantry (Civil War Reenactment Group)

APPROVAL OF MINUTES

By Councilmember Allen

To approve the printed Council Proceedings of July 17, July 24, and July 31, 1995 and the Printed Council Proceedings of May 28, and June 3, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Novak

To accept the following under suspension of the rules:

1. From Councilmember Novak; a request for a special ceremony to allow for the presentation of a Proclamation by Mayor Hollister to Marnie Montgomery

2. From Councilmember Novak; a request for a special ceremony to accept the presentation of a Mission Statement by Inner City MINISTER's Alliance

3. From Councilmember Novak; a Memo from the Director of the Planning and Neighborhood Development Dept. submitting the Planning Board's recommendations regarding ACT-10-94, N.E. Corner of Westmoreland and Saginaw

4. From Councilmember Novak; a Memo from the Director of the Planning and Neighborhood Development Dept. submitting the Planning Board's Recommendation regarding the Sale of property in the 500 Block ow W. Genesee

5. From Councilmember Novak; a memo from the Director of the Parks & Recreation Dept. regarding a request by the Old Oakland Neighborhood Assn. for installation of fencing at the Westside Park

6. From Councilmember Novak; a letter from the North Lansing Community Assn. inviting Councilmembers to attend their Heritage Festival to be held on June 14-16, 1996

7. From Councilmember Benavides; a letter from the Mayor requesting a donation from the Community Use Fund for the Tri-County Community Advocates for People with Developmental Disabilities, Inc. for their Blossom Time Dinner Dance held on May 31, 1996

8. From Councilmember Allen; a letter from George Anderson of 202 E. Mason St. requesting the replacement of missing NO PARKING signs in the 300 Block of Mason St.

9. From Councilmember Leeman; a resolution approving Settlement in a worker compensation matter, SSN 370-30-5825 in the amount of $9,715.19

10. From Councilmember Leeman; a resolution approving Settlement in a worker compensation matter, SSN 373-36-3318 in the amount of $50,000

11. From Councilmember Lilly; a request for donation of Community Use Funds from Young Life to help with parking costs for their annual Banquet to be held on November 4, 1996

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation to Marnie Montgomery, Neighborhood Watch Coordinator, declaring June 10, 1996 as Marnie Montgomery Day and commending her for her many years of service to Lansing Neighborhoods and wishing her well on the occasion of her move to Minneapolis, MN

B. Presentation by Reverend Jones, from Union Missionary Baptist Church, of the Mission Statement of the Inner City Minister's Alliance

PUBLIC COMMENT

Betty Kost of 1425 McIntyre, speaking on behalf of the Reo Historical Marker Committee invited Councilmembers and the public to the Michigan Historical Marker ceremony at the corner of S. Washington and Baker Streets on Saturday, June 15, 1996 at 2:00 P.M. for the commemoration of the Reo Motor Car Company and Diamond REO. She thanked Mayor Hollister, City Council and the City Clerk's Office for their assistance with this event.

Doris Dow of 819 Moores River Dr., speaking on behalf of the Reo Historical Marker Committee invited Council, the Mayor, and the City Clerk to attend their festivities this Saturday. Please RSVP at 484-3334.

Mark Eggleston of 4001 Heathgate said that the REO Historical Marker is long overdue and stated his support of the Unclaimed Bicycle Program.

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Lloyd Teets of 116 E. Elm St. spoke in support of the raises for crossing guards. He stated his concern that the S. Baker St. properties and the surplus Board ow Water & Light properties are not being sold at their fair market value.

Alexander Bolt of 230 Reo Rd. commended Council for obtaining an external auditor for the Board of Water & Light and stated his concern over the application for State Revolving Loan Funds, and what portion of these funds are CSO related. He stated that his group, CARTO (Citizens to Abolish the Rain Tax Ordinance) will ally itself with the MOST group (Majority Opposed to Special Treatment), for the recall of City Councilmembers.

COMMUNICATIONS AND PETITIONS

By Councilmember

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Betty Kost, Secretary of the REO Historical marker Committee regarding the REO Historical Marker Dedication

REFERRED TO THE MAYOR

B. Letter from Jim Harken of 315 Bingham regarding the cost of providing water services to Delhi and Watertown Townships and requesting a Public Hearing on the matter

REFERRED TO THE MAYOR

C. Claim of Bonita Schade of 2034 Riverside Court

REFERRED TO THE CITY ATTORNEY

D. Notice from the State of Michigan Department of Treasury of the revocation of Industrial Facility Exemption Certificate No. 83-278 issued to Hammond Manufacturing Corp. 2300 Spikes Lane

RECEIVED AND PLACED ON FILE

E. Letter from MOST (Majority Opposing Special Treatment) of P.O. Box 13201 requesting information regarding recall processes on five City Councilmembers

REFERRED TO THE INGHAM COUNTY CLERK

F. Letter from Attorneys submitting an invoice for payment of the City of Lansing share of the Trial Court Financing Lawsuit

REFERRED TO THE MAYOR

G. Notice from the State of Michigan of the issuance of a License for an Adult Foster Care Small Group Home issued to Rachael AlJallad under the name of Spyglass AFC at 621 E. Jolly #52

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister had no comments at this time.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letters from the Mayor re:

1/ Letter from Paul D. Zugger of the Department of Environmental Quality Regarding a $3,475,000 Revolving Fund Loan for the City

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Letter of Appreciation from Mark Simon to James Ruff, Planning Department

RECEIVED AND PLACED ON FILE

3/ Transfer of Funds; Planning Dept., LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Grant Acceptance and Transfer of Funds; Auto Theft Prevention Authority Subcontract and Ingham County Financial Impact Statement

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #257

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred rezoning petition Z-1-96, 1405 Center Street, from "H" Light Industrial District to "C" Residential District filed by Scott McClain,

REPORTS AS FOLLOWS: The Committee recommends Council approval of the Z-1-96 ordinance as introduced, which would grant the rezoning petition as filed. This report is for information only.

Signed: Richard J. Lilly, Chair
Sandy Allen
Paul Novak

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #258
REPORT OF COMMITTEE
BY THE COMMITTEE ON
PLANNING AND DEVELOPMENT

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TO WHOM WAS REFERRED: Z-2-96 – Request to rezone vacant land at the southwest corner of Oakland and Cedar Streets from "C" Residential to "F" Commercial District.

REPORTS AS FOLLOWS: The Planning Division staff having presented a letter from the applicant formally withdrawing the request, the letter is received and placed on file and the petition considered withdrawn. No further action is needed on this matter. This report is for information only.

Signed: Rick Lilly, Chair
Paul F. Novak, Vice Chair
Sandy Allen, Member

BY COUNCILMEMBER LILLY

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #259
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the proposed Crossing Guard Wages of $6.30 per hour for the first year and $7.00 per hour each year thereafter with a quarterly bonus for not calling in sick during the quarter of $50.00,

REPORTS AS FOLLOWS: The Committee recommends that the proposed wage increase for crossing guards be adopted. The Committee referred the matter to the Committee on Ways and Means for identification of funds.

Signed By: Sandy Allen
Ellen Beal
Tony Benavides

Committee on Public Safety

BY COUNCILMEMBER ALLEN:

That the Report of Committee be approved.

CARRIED UNANIMOUSLY

June 10, 1996

RESOLUTION #260
REPORT OF COMMITTEE

BY THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the proposed ordinance to amend the Code of Ordinance of the City of Lansing by amending Section 1424.01 of Chapter 1424 of the Codified Ordinances of the City of Lansing for the purpose of adopting the 1996 Edition of the National Electrical Code,

Reports As Follows: The Committee recommends that the ordinance be adopted.

SIGNED: Sandy Allen
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

June 10, 1996

RESOLUTIONS

RESOLUTION #261
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,000	Human Services-Discretionary 101-833710-960120-0	Police Athletic League (PAL) 101-833720-960208-0

(Provision of transportation services for participants.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$6,000	General Administration-Fringe Benefits 101-173901-992200-0	General Admin. - Control 101-173901-992200-0
$6,000	General Administration-Control 101-173901-992200-0	City Supported Agencies-Control 101-834101-992200-0
$6,000	City Supported Agencies-Control 101-834101-992200-0	Sparrow Hospital 101-834101-960209-0

(Contract in partnership with Sparrow Hospital for Community Health Care Summit.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$25,000	Estimated Revenues-General Fund 101-0-170001-0	Mayor's Office-Ctrl 101-172300-992200-0
$25,000	Mayor's Office-Control 101-172300-992200-0	Kellogg Health Care Grant 101-172300-741874-0

(Appropriation of grant, in partnership with Sparrow Hospital, the Departments of Osteopathic Medicine, Nursing and Human Ecology at MSU to plan community wide health care and health care programming at the South Side Precinct/Community Center, as well as Sparrow Health Care Summit.)

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$491.40	Estimated Revenues-General Fund 101-173901-992200-0	Planning/Neigh. Devel.-Control 101-172601-992200-0
$491.40	Planning/Neigh. Devel.-Control 101-172601-992200-0	Community Beautification 101-172620-741885-0

(Donations for Neighborhoods In Bloom from Michigan National Bank ($250) and Estes-Leadley Co. ($100), and proceeds from City hall Bake Sale ($141.40). Credited to revenue detail account 101-0-675004-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$200	Estimated Revenues-General Fund 101-173901-992200-0	Planning/Neigh. Devel.-Control 101-172601-992200-0
$200	Planning/Neigh. Devel.-Control 101-172601-992200-0	Community Beautification 101-172620-741885-0

(Donation from General Motors ($100) and Builders Redi-Mix ($100) for Neighborhoods In Bloom project. Revenue detail account 101-0-675004-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$10,000	Pub. Serv.-Diamond Reo Oper. Expense 101-453610-742000-0	
$25,220	Pub. Serv.-Diamond Reo Utilities 101-453610-744000-0	
$35,220		Public Service-Control 101-453603-992200-0
$35,220	Public Service-Control 101-453603-992200-0	Capital Improvements-Control 101-933901-992200-0
$35,220	Capital Improvements-Control 101-933901-992200-0	operating Transfers-Infrastructure 101-933901-991410-0
$35,220	Estimated Revenues-Infrastructure 410-0-170001-0	Roof Replacement 410-933690-975000-43619

(Roof replacement to R.E. Olds Museum structure.)

By Councilmember Benavides

Carried unanimously

RESOLUTION #262
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated a total of $43,000 in the FY96 General Fund Budget to the Community Promotions Account, for the purpose of assisting with the expenses of large community-oriented events; and

WHEREAS, the Committee on WAYS AND MEANS has reviewed a request from the N. Lansing Community Association for a grant in the amount of $1,750 to cover costs relating to improving the ventilation at the Comfort Station Community Center, to cover one-third of the cost of a sound system to be used at the N. Lansing Community Association Heritage Festival and other N. Lansing community events, and to purchase twenty planter tubs to be located on Grand River Avenue between Center St. and the Grand River; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes a expenditure in the amount of $1,750 from account #101-112101-741200-0 for the purposes identified above; and

AND BE IT FURTHER RESOLVED the Clerk is requested to forward this resolution to the Deputy Controller for action.

By Councilmember Benavides

To accept a friendly ammendment proposed by Councilmember Leeman to strike the words "General Services" in the first line of the second paragraph and replace them with the words "WAYS AND MEANS", and place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #263
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Audit Committee requested proposals from external independent public accounting firms to perform an audit of the Board of Water and Light (BWL) for each of the fiscal years ending June 30, 1996 thru 2000; and

WHEREAS, based on evaluation of the proposals received, the Audit Committee unanimously recommended the firm of Deloitte & Touche to perform the BWL audits; and

WHEREAS, the Committee on Ways and Means concurs with the Audit Committee recommendation;

NOW, THEREFORE BE IT RESOLVED the Lansing city council hereby approves the selection of Deloitte & Touche as external auditor for the Board of Water and Light for the fiscal years ending June 30, 1996 thru 2000.

By Councilmember Benavides

Carried unanimously

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RESOLUTION #264
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Audit Committee requested proposals from external independent public accounting firms to perform an audit of the Lansing Housing Commission (LHC) for each of the fiscal years ending June 30, 1996 and 1997; and

WHEREAS, based on evaluation of the proposals received, the Audit Committee unanimously recommended the firm of John C. DiPiero, P.C. to perform the LHC audits; and

WHEREAS, the Committee on Ways and Means concurs with the Audit Committee recommendation;

NOW, THEREFORE BE IT RESOLVED the Lansing City Council hereby approves the selection of John C. DiPiero, P.C. as external auditor for the Lansing Housing Commission for the fiscal years ending June 30, 1996 and 1997.

By Councilmember Benavides

Carried unanimously

RESOLUTION #265
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS the City Attorney has recommended the appointment of the law firm of Miller, Canfield, Paddock & Stone as bond counsel in connection with the proposed financing of the Southside Community Center, the improvements to be made to Groesbeck Golf Course, and also other, potential general obligation bond refundings.

NOW, THEREFORE, BE IT RESOLVED that the law firm of Miller, Canfield, Paddock & Stone Paddock & Stone is hereby appointed as Bond Counsel in connection with the above projects.

By Councilmember Lilly

To amend the resolution so that the first paragraph reads as follows:

"WHEREAS the City Attorney has recommended the appointment of the law firm of Miller, Canfield, Paddock & Stone as bond counsel in connection with the proposed financing of ~~both~~ the Southside Community Center, the improvements to be made to Groesbeck Golf Course, and also OTHER, POTENTIAL GENERAL OBLIGATION BOND REFUNDINGS."

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Beal dissenting)

By Councilmember Lilly

To place an affirmative roll on the resolution as amended

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Beal dissenting)

RESOLUTION #266
BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communications dated May 29, 1996, to Lansing-Eaton Neighborhood organization;

AND BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies by June 14, 1996, may be disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #267
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
SALE OF DIAMOND REO PROPERTY

WHEREAS, the City of Lansing desires to sell a parcel of the Diamond Reo Property located south of Baker Street consisting of approximately 2.76 acres to the South Baptist Church to enable them to develop a parking lot; and

WHEREAS, an Agreement for the sale and development of the property has been prepared by the City and signed by the prospective purchaser; and

WHEREAS, the agreement for the sale of this parcel includes the development of a landscaped parking lot which would serve to not only enhance the appearance of the area, but provide for the long term parking

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need of the Church and effectively bring to an end a potential land use conflict in the neighborhood which has in the past been related to the expansion and related parking needs of the Church: and

WHEREAS, the Agreement and resulting development is in compliance with the zoning district and the Southeast Master Plan;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the sale of the real property commonly known as Parcel 3301-21-402-072 of the Diamond Reo site located south of Baker Street, legally described as:

That part of the NE 1/4 of the SE 1/4 Section 21, T4N, R2W, City of Lansing, Ingham County, Michigan, commencing at the intersection of the East line of Washington Avenue with the South Line of Baker Street; thence East, along the South line of Baker Street, 60.00 feet to the point of beginning of this description; thence East 557.45 feet; thence South 00 degrees 00 minutes 23 seconds West, 90 feet; thence East 125 feet, thence South 00 degrees 00 minutes 23 seconds West, 113.79 feet; thence North 89 degrees 53 minutes 30 seconds West, 599.02 feet more or less along the North Line of Block 1 of Hall Is Third Addition to the City of Lansing, Michigan; thence North 00 degrees 03 minutes 15 seconds West, 110.35 feet; thence West 83.06 feet; thence North 00 degrees 03 minutes 15 seconds West, 93.60 feet to the point of beginning,

containing approximately 2.76 acres, to the South Baptist Church, for the stipulated price of $16,000.00 per acre or a total sum of $44,160.00, subject to approval by the Michigan Department of Natural Resources of the party that will occupy and utilize the property as proposed, and according to the terms of the Agreement to Sell Between the City of Lansing and South Baptist Church signed by South Baptist may 9, 1996, and the environmental indemnification stipulations contained therein.

BE IT FURTHER RESOLVED the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the sale, including the Agreement to Sell which includes the development proposal, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #268
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF

THE CITY OF LANSING
ACT-5-96, Blk 2, Carroll's Addn.
(Jerome & Vine Sts.), Vacation of E-W Alley

WHEREAS, David Muylie, 301 Rumsey /1418 Vine (Co-owner) Lansing, MI; Howard Menken, 212 Ferguson, Lansing, MI; Michael Thelen, 1413 Jerome, Lansing, MI; Barrat, McCarthy, et al, 1417 Jerome, Lansing, MI; and Jarl Nischan, 1412 Vine, Lansing, MI; have requested that the City of Lansing vacate 83.55 ft. of the west end of the alley which runs east and west in the block bordered by Vine, Ferguson, Jerome and Custer streets so that it can be maintained and used appropriately; and

WHEREAS, David Muylie, Howard Menken, Michael Thelen, Barrat, McCarthy, et al, and Jarl Nischan represent substantial ownership of all properties abutting the alley to be vacated; and

WHEREAS, the Planning Board conducted an ACT 285 Review (ACT-5-96) for characters location and extent of the subject parcel, and found that the requested vacation of the alley will not have any adverse impact on the surrounding uses and that there is no public purpose in retaining ownership of the subject alley property; and

WHEREAS, no one spoke in opposition to this proposal at either the April 9, 1996 Urban Development Committee meeting, or the April 16, 1996 Planning Board meeting; and

WHEREAS, on April 16, 1996, the Planning Board recommended approval of the request to vacate the west 83.5' of the E-W alley which runs east and west in the block bordered by Vine, Ferguson, Jerome and Custer streets, reserving appropriate easements for utilities and easements; and

WHEREAS, the Committee on Planning and Development has reviewed the report and recommendation of the Planning Board and concurs with the recommendation;

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby vacates the alley property more particularly described as:

THAT PART OF A 16.5 FOOT WIDE ALLEYWAY LYING ADJACENT TO LOTS 4, 5, 6 AND 7 IN BLOCK 2 OF CARROLL'S ADDITION TO THE CITY OF LANSING, MI., AS RECORDED IN LIBER 2 OF PLATS, PAGE 35, INGHAM COUNTY RECORDS,

reserving, however, unto the City of Lansing an easement under, across, above, and within the right of way of said vacated alley for utility purposes, including the right of ingress and egress at all times for public or private utility agents and employees to use the vacated street, or so much of it as may be

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necessary, for the installation, maintenance, repair, or removal of utilities,

BE IT FINALLY RESOLVED, within 30 days hereafter, the City Clerk shall forward certified copies of this Resolution to the Ingham County Register of Deeds for recording, and upon return, a copy of the recorded Resolution to the Michigan Department of Commerce and to the Lansing Planning Office, who shall forward copies to the petitioners.

By Councilmember Lilly

Carried unanimously

RESOLUTION #269
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Board of Water and Light (BWL) has received an offer from Continental Cablevision of Michigan, Inc. to purchase an easement on the southeast corner of the South Creyts Substation for $1,500.00; and

WHEREAS, the Board of Water and Light Commissioners on February 27, 1996 passed a resolution declaring the proposed easement property interest to be property not needed to continue the operation of the BWL; and

WHEREAS, the property, of which the proposed easement is a part, was purchased with BWL rate payer funds; and

WHEREAS, the Committee on Development and Planning concurs that the property interest is surplus and in the BWL request that the easement interest be sold to Continental Cablevision of Michigan, Inc.;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council concurs that the easement interest in the following described property is no longer required to continue the operation of the BWL and approves the sale of said easement interest to Continental Cablevision of Michigan, Inc.:

Commencing at the Southeast corner of Section 22, T4N, R3W, Delta Township, Eaton County, Michigan; thence Northerly 396 feet along the Section line; thence Westerly 50 feet to the Point of Beginning (P.O.B.) of this easement description, said P.O.B. being - at the Southeast corner of land deeded to the Lansing Board of Water and Light by deed recorded in Liber 425, page 327 of Eaton County Records; thence Westerly 26 feet along the South line of the parcel described in Liber 425, page 327; thence Northerly (parallel to the East line of Section 22) 43 feet, more or less, to the South edge of an existing 12 foot wide asphalt driveway; thence E.S.E. 26 feet, more or less, along the South edge of the existing driveway to a point that is 50 feet West of the East line of Section 22; thence Southerly (parallel to the East line of Section 22) 40 feet, more or less, to the point of beginning of this description. This easement grant also includes ingress and egress rights from Creyts Road over and across the existing 12 foot wide asphalt driveway that abuts and is Northerly of the described easement area.

BE IT FURTHER RESOLVED in the sale of the property, the BWL shall comply with all the limitations on the sale of real property as contained in the Lansing City Charter.

BE IT FURTHER RESOLVED that upon closing of the sale of said property, all the net proceeds from the sale may be retained by the BWL for its operation.

BE IT FINALLY RESOLVED the Mayor, on behalf of the City of Lansing, by its Board of Water and Light, is authorized to sign and execute all necessary documents to complete this transaction, subject to prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #270
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing is named as a defendant in a workers' compensation action, SSN 370-30-5825, involving a work related injury; and

WHEREAS, it is proposed that said action be resolved by virtue of entering into a settlement agreement in which the City of Lansing would agree to pay to Plaintiff the sum of Nine Thousand Seven Hundred Fifteen 19/100 Dollars and ($9,715.19) in exchange for a complete redemption and release of the City from any past, present, and future liability regarding the workers' compensation claim; and

WHEREAS, the proposed settlement is recommended by the Mayor, the Personnel Department, the City of Lansing fund administrator, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approve the payment of Nine Thousand Seven Fifteen 19/100 Dollars ($9,715.19) pursuant to said proposed settlement agreement as a full and

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FINAL SETTLEMENT OF SAID ACTION.

BE IT FINALLY RESOLVED THAT THE LAW DEPARTMENT IS AUTHORIZED TO PREPARE AND EXECUTE THE REQUISITE DOCUMENTS TO COMPLETE SETTLEMENT OF THE AFOREMENTIONED LAWSUIT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #271
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING IS NAMED AS A DEFENDANT IN A WORKERS' COMPENSATION ACTION, SSN 373-36-3318, INVOLVING ALLEGED WORK RELATED INJURIES; AND

WHEREAS, IT IS PROPOSED THAT SAID ACTION BE RESOLVED BY VIRTUE OF ENTERING INTO A SETTLEMENT AGREEMENT IN WHICH THE CITY OF LANSING WOULD AGREE TO PAY TO PLAINTIFF THE SUM OF FIFTY THOUSAND DOLLARS ($50,000) IN EXCHANGE FOR A COMPLETE REDEMPTION AND RELEASE OF THE CITY FROM ANY PAST, PRESENT, AND FUTURE LIABILITY REGARDING ANY ALLEGED INJURIES WHATSOEVER; AND

WHEREAS, THE PROPOSED SETTLEMENT IS RECOMMENDED BY THE MAYOR, THE PERSONNEL DEPARTMENT, THE CITY OF LANSING FUND ADMINISTRATOR, AND THE CITY ATTORNEY;

NOW, THEREFORE, BE IT RESOLVED THAT THE LANSING CITY COUNCIL HEREBY APPROVE THE PAYMENT OF FIFTY THOUSAND DOLLARS ($50,000) PURSUANT TO SAID PROPOSED SETTLEMENT AGREEMENT AS A FULL AND FINAL SETTLEMENT OF SAID ACTION.

BE IT FINALLY RESOLVED THAT THE LAW DEPARTMENT IS AUTHORIZED TO PREPARE AND EXECUTE THE REQUISITE DOCUMENTS TO COMPLETE SETTLEMENT OF THE AFOREMENTIONED LAWSUIT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER ALLEN

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER ALLEN

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON PUBLIC SAFETY:

BY COUNCILMEMBER ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1424 FOR THE PURPOSE OF ADOPTING THE 1996 EDITION OF THE NATIONAL ELECTRICAL CODE, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON PUBLIC SAFETY:

BY COUNCILMEMBER ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 1424 FOR THE PURPOSE OF ADOPTING THE 1996 EDITION OF THE NATIONAL ELECTRICAL CODE,, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

ORDINANCE NO. 948

AN ORDINANCE TO AMEND SECTION 1424.01 OF CHAPTER 1424 OF THE CODIFIED ORDINANCES OF LANSING TO PROVIDE FOR THE ADOPTION BY REFERENCE THE 1996 EDITION OF THE NATIONAL ELECTRICAL CODE.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT SECTION 1424.01 OF CHAPTER 1424 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, IS AMENDED TO READ AS FOLLOWS:

1424.01 ADOPTION OF 1993 1996 EDITION OF NATIONAL ELECTRICAL CODE; SCOPE; REFERENCES AND CITATIONS; CONFLICT OF LAWS.

(A) THAT CERTAIN CODE, AN OFFICIAL COPY OF WHICH IS ON FILE IN THE OFFICE OF THE CITY CLERK, BEING MARKED AND DESIGNATED AS THE NATIONAL ELECTRICAL CODE, 3993 1996 EDITION, PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, IS HEREBY ADOPTED AND MADE PART OF THE BUILDING CODE OF THE CITY, PURSUANT TO THE AUTHORITY VESTED IN THE CITY BY M.C.L.A. 125.1508; M.S.A. 5.2949(8), AND THE HOME RULE ACT (M.C.L.A. 117.1 ET SEQ.; M.S.A. 5.2071 ET SEQ.), AS AMENDED. SUCH ELECTRICAL CODE PROVIDES REGULATIONS FOR THE ERECTION, INSTALLATION, ALTERATION, REPAIR, RELOCATION, REPLACEMENT, ADDITION TO, USE AND MAINTENANCE OF ELECTRICAL SYSTEMS. EACH AND ALL OF THE REGULATIONS, PROVISIONS, PENALTIES, CONDITIONS AND TERMS OF SUCH NATIONAL ELECTRICAL CODE SHALL BE DEEMED ADOPTED AND MADE A PART HEREOF BY REFERENCE AS IF FULLY SET OUT IN THIS CHAPTER, SAVE AND EXCEPT SUCH PROVISIONS AS MAY BE HEREINAFTER AMENDED OR REPEALED.

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(B) References throughout these Codified Ordinances to the National Electrical Code shall be deemed to mean the National Electrical Code adopted in subsection (A) hereof and it may be so cited. References throughout these Codified Ordinances to the Electrical Code of the City shall be deemed to mean this chapter, including the National Electrical Code adopted in this chapter, and it may be so cited. References throughout these Codified ordinances to the Building Code of the City shall be deemed to mean all of the provisions of Titles Two and Four of Part Fourteen of these Codified Ordinances, including the technical codes adopted therein by reference, and it may be so cited. References throughout these Codified ordinances to the Building and Housing Code of the City shall be deemed to mean all of Part Fourteen of these Codified Ordinances and it may be so cited.

(C) Unless otherwise expressly provided, in the event of a conflict between any of the provisions of the National Electrical code, herein adopted, and a provision of this chapter, or any other provision of these Codified ordinances, or any other local ordinance, resolution, rule or regulation, the local provision shall control. In the event of a conflict between any of the provisions of the National Electrical Code, herein adopted, and State law, including rules and regulations promulgated pursuant to State law, the State law shall control. In the event of a conflict between any of the provisions of the National Electrical Code, herein adopted, and a provision of any other standard technical code adopted by reference by the City, the stricter or higher standard shall control. (Ord. 856. Passed 1-11-93.)

Section 2. The adoption of this ordinance shall not be construed so as to give ordinance status to any resolution or other action of City Council to be included in the Codified Ordinances of the City unless such action was originally adopted as an ordinance.

Section 3. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 4. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by City Council.

Marilynn Slade, City Clerk

BY COUNCILMEMBER LILLY

That we move to the Passage of Ordinances

BY COUNCILMEMBER LILLY

That the Ordinance, when read, be considered as read in it's entirety

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-1-96, 1405 Center St., be placed on order of immediate passage.

BY COUNCILMEMBER LILLY:

Resolved by the City Council of the City of Lansing that the Ordinance providing that the Code of Ordinances, City of Lansing, Michigan, be amended by providing for the rezoning of a parcel of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the code for property located at Z-1-96, 1405 Center St.., be now passed

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

By Councilmember Lilly

That this ordinance, being necessary for the immediate preservation of the public peace, health, or, safety shall take effect upon it's passage

Carried unanimously

ORDINANCE #2397

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number:	Z-1-96, 1405 Center Street
Parcel Number:	3301-09-255-061
Legal Description:	THE SOUTH 39 FEET OF LOT 9, BLOCK 7 ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN.

From "H" Light Industrial to "C" Residential District.

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Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Given Immediate Effect by motion of Councilmember Lilly

Marilynn Slade, City Clerk

CONSIDERATION OF LATE ITEMS

1. From Councilmember Novak; a request for a special ceremony to allow for the presentation of a Proclamation by Mayor Hollister to Marnie Montgomery

THE RULES WERE SUSPENDED AND A SPECIAL CEREMONY WAS ADDED TO THE AGENDA FOR THIS PURPOSE

2. From Councilmember Novak; a request for a special ceremony to accept the presentation of a Mission Statement by Inner City MINISTER's Alliance

THE RULES WERE SUSPENDED AND A SPECIAL CEREMONY WAS ADDED TO THE AGENDA FOR THIS PURPOSE

3. From Councilmember Novak; a Memo from the Director of the Planning and Neighborhood Development Dept. submitting the Planning Board's recommendations regarding ACT-10-94, N.E. Corner of Westmoreland and Saginaw

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4. From Councilmember Novak; a Memo from the Director of the Planning and Neighborhood Development Dept. submitting the Planning Board's Recommendation regarding the Sale of property in the 500 Block of W. Genesee

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5. From Councilmember Novak; a memo from the Director of the Parks & Recreation Dept. regarding a request by the Old Oakland Neighborhood Assn. for installation of fencing at the Westside Park

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6. From Councilmember Novak; a letter from the North Lansing Community Assn. inviting Councilmembers to attend their Heritage Festival to be held on June 14-16, 1996

RECEIVED AND PLACED ON FILE

7. From Councilmember Benavides; a letter from the Mayor requesting a donation from the Community Use Fund for the Tri-County Community Advocates for People with Developmental Disabilities, Inc. for their Blossom Time Dinner Dance held on May 31, 1996

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

8. From Councilmember Allen; a letter from George Anderson of 202 E. Mason St. requesting the replacement of missing NO PARKING signs in the 300 Block of Mason St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE TRANSPORTATION DEPARTMENT

9. From Councilmember Leeman; a resolution approving Settlement in a worker compensation matter, SSN 370-30-5825 in the amount of $9,715.19

HANDLED AS RESOLUTION #270

10. From Councilmember Leeman; a resolution approving Settlement in a worker compensation matter, SSN 373-36-3318 in the amount of $50,000

HANDLED AS RESOLUTION #271

11. From Councilmember Lilly; a request for donation of Community Use Funds from Young Life to help with parking costs for their annual Banquet to be held on November 4, 1996

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

PUBLIC COMMENTS

Karen Gierman of 607 Clifford stated a complaint about the condition of the property neighboring hers. She has had problems with junk cars being left in the common driveway they share, problems with drug and alcohol usage at the neighboring home, and problems with Code Compliance Officer conflicts.

Mark Eggleston of 4001 Heathgate invited the public to attend the 23rd annual High School Seniors Game at Oldsmobile Park. The game will benefit the Youth Parks & Recreation Fund. He extended an invitation for people to attend the Old Timer's Baseball game this Sunday, June 16, 1996 at 2:00 P.M. He announced the dedication of the Molly Weston Train at Fulton Park on Sunday, June 16, 1996 at 1:00 P.M.

Helen Fiser of 12100 S. Cork Rd., Morrice said that she hopes that Wednesday's Public Service Committee meeting will be aired on Channel 28 and that the Committee will answer all of the Public's questions.

Chris Cotter of 2111 Harding, candidate for Ingham County Drain Commissioner, spoke regarding misinformation on the combined sewer overflow program.

Ed Simmer of 2609 Dier urged Mayor Hollister and

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Councilmembers to crack down on illegal fireworks vendors.

Alexander Bolt of 1230 Reo Rd. commented on the video of the last Public Service Committee meeting.

Tom Lafferty, no address given, urged Councilmembers to attend Wednesday's Public Service Committee meeting on stormwater issues. He commented regarding Council's response to recycling and Police Precinct matters.

Lloyd Teets of 116 E. Elm St. invited the public to tune in to Wednesday's Public Service Committee meeting regarding the stormwater issues. He announced a garage sale at the home of Council President Howard Jones, located at 426 W. Barnes Ave., the proceeds to benefit Citizens for a Better Lansing.

Jennifer Scans, no address given, said that MOST will have notaries available on Monday, June 17, 1996 to certify the petitions that circulators turn in.

COUNCILMEMBERS COMMENTS

Councilmember Leeman invited the public to attend the North Lansing Community Heritage Festival on June 14, 1996. He encouraged people with questions on the Stormwater issue to attend the Public Service Committee meeting this Wednesday, June 12, 1996 at 7:00 P.M. This meeting will be televised, barring complications. They will review the rationale for the CSO project and the NPDES Permit system.

Councilmember Allen announced a meeting in the Public Service Department on Tuesday, June 11, 1996 from 4:00 to 6:00 P.M. This is a meeting with S. Cedar St. property owners regarding property maintenance. She announced a neighborhood meeting on June 14th at the Southside Precinct regarding the rezoning on Syringa St.

Councilmember Benavides asked for a response from the Administration regarding their reaction to an "inflammatory" letter received from Friedland Industries regarding recycling.

Councilmember Novak added his encouragement to the public to attend the North Lansing Heritage Festival. He asked the Administration to increase Police Patrols in the S. Washington Park neighborhood.

Councilmember Beal confirmed the regularly scheduled meeting of the Ways and Means Committee for this week and for every week in the month of June.

Councilmember Lilly congratulated his son who just became a homeowner in the second ward.

Councilmember Bauer thanked the volunteers of the Paint Blitz. She sent her thanks and appreciation to Marnie Montgomery and commended Pastor Jones and other members of the Inner City Minister's Alliance. She thanked Betty Kost for her efforts on the Diamond Reo Historical Marker. She announced a Public Forum to be held on June 27, 1996 at 7:00 P.M. to accept citizen concerns and suggestions on the District Library issue.

Council President Jones added his thanks to the participants of the 1996 Paint Blitz. Particularly he thanked the cheerleading efforts of Mrs. Stewart at 912 W. Barnes. He encouraged the public to attend the Molly Weston Trail Dedication this Sunday at Fulton Park at 1:00 P.M.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

David Wiener thanked the people who participated in the LPGA over the weekend. He thanked the residents who participated in the Sparrow Health Care Summit on May 20, 1996.

He told Councilmember Benavides that the Administration just received the Friedland letter and has not had an opportunity to read it through. However, this is an ongoing issue with Friedland that is very complex and requires a great deal of negotiation.

The Administration will participate in Wednesday's meeting on the stormwater issues. He promised that they will listen to the comments made by the public and asked that they do the same.

ADJOURNED 8:55 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JUNE 17, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

ABSENT: Councilmember Lilly

The Invocation and Pledge of Allegiance were led by Councilmember Allen

APPROVAL OF MINUTES

By Councilmember Novak

To approve the Printed Council Proceedings of June 10, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a Resolution approving a change back to the old Evening and Saturday Parking Rates

Carried unanimously

SPECIAL CEREMONIES

A. Councilmember Allen presented a Resolution of Tribute to the family of the late Jeffrey Maurice Allen, Sr.

PUBLIC COMMENT

Ernesto Mireles of 1097 Meadowlawn stated that he collected 400 signatures from residents of the North Side who are opposed to a North Side Police Precinct in their neighborhood.

Paul Scott of 412 W. Kilborn said that he has concerns about the COLHOP project, the least of which is the name of the program. He is concerned about the fact that they are proposing a forgivable loan. Given the amount of money that City employees earn, they should be expected to fulfill the obligation with interest. The proposal is too liberal, it should operate like a revolving loan program.

Rainer Delgado of 125 Cox Blvd. protested the increase in the City's Downtown Municipal Parking System Rates for Lot 15.

Lloyd Teets of 116 E. Elm St. spoke in opposition to the payment of membership fees to the Michigan Municipal League. They are nothing but another lobbyist. He is also opposed to Draft #8 of the Ethics Ordinance. He is not aware of any action taken by Council to put this ordinance back in front of the Ethics Board. He spoke in opposition to the funding of an additional Mechanical Inspector and to the resolution for an increase in sewer rates. He objects to the meter and billing charges.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from the Michigan Municipal League submitting a second notice on Membership Fees in the amount of $15,934.00, Environmental Affairs Assessment in the amount of $1,912.00 and Legal Defense Fund Membership in the amount of $800.00

REFERRED TO THE MAYOR

B. Letter from Waverly Community Schools submitting 1996 Tax Rate Request and Millage Request Report

REFERRED TO THE MAYOR

C. Letter from Attorneys on behalf of Union Missionary Baptist Church requesting the installation of a Barricade oN Hillsdale St. between the North and Southbound Lanes of Martin Luther King Blvd.

REFERRED TO THE MAYOR AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

D. Letter from P.M. One requesting the

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installation of NO PARKING signs in the alley that runs along 1208 Turner and through to Center St.

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

E. Letter from Lisa Lebtich of 907 Alden protesting the increase in Parking Rates for Lot 15 of the Municipal Parking System

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister announced that the Public Service Director submitted a report on the rate increase at Lot 15 at his cabinet meeting today. These rates have not been raised since 1991 and there is a 200 person waiting list for parking assignments there. He distributed a copy of the report to Councilmembers.

He urged Council to accept his recommendations with regard to Evening and Saturday Metered Parking Rates.

With regard to the proposal to put a North Side Precinct in at the School for the Blind, the City would have to pay prevailing market rates for a lease, if this site is selected. He will recommend that a network center be placed there, but that the Police Command Office be located at the corner of Pennsylvania and Saginaw in partnership with Motor Wheel.

Councilmember Allen asked Mayor Hollister to meet with the Public Safety Committee tomorrow afternoon at 3:00 P.M. for the purpose of discussing the North Side Police Precinct. This issue was a dual referral to Public Safety and Ways and Means.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Firework Display Permit; Larry J. Holley for Oldsmobile Park on July 4, 1996

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. Letter from the City Clerk submitting the proposed schedule for regular City Council Meetings for the Last Six Months of 1996

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Letters from the City Attorney re:

1. Col. Terence Arthur R. Whiteman v City of Lansing, et al

RECEIVED AND PLACED ON FILE

2. Antonio Gonzales v City of Lansing; Brenda Gonzales v City of Lansing, Jose A. Torrez v City of Lansing

RECEIVED AND PLACED ON FILE

3. Petition to Strike from the Tax Rolls from Judyth Kehler, Treasurer, City of Lansing

RECEIVED AND PLACED ON FILE

C. Letter from the Board of Water & Light submitting their Annual Budget for FY Ending June 30, 1997

RECEIVED AND PLACED ON FILE

D. Letter from the City Clerk, Secretary to the Board of Ethics submitting Draft 8 of an Amendment to Chapter 290, Conflicts of Interest (Ethics Ordinance)

REFERRED TO THE COMMITTEE OF THE WHOLE

E. Letters from the Mayor re:

1/ Amendment to Chapter 888; PILOT Ordinance for Edgewood Glen Apartments

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Regarding funding for a Part-Time Permanent Mechanical Inspector for the Building Safety Office

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Appointment of Kimberly A. Coleman to the Economic Development Board of Trustees for a Term to Expire June 30, 2000

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ Letter of Appreciation From Angela Bailey to Gerald Brady

RECEIVED AND PLACED ON FILE

5/ Evening and Saturday Metered Parking Rates and Sewer Rates

REFERRED TO THE COMMITTEE OF THE WHOLE

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(SATURDAY AND EVENING PARKING RATE RESOLUTION HANDLED AS RESOLUTION # 276)

6/ Letters of Appreciation from area Treasurers to Judy Kehler for a Lugnuts Baseball Game

RECEIVED AND PLACED ON FILE

7/ ACT-12-96; Railroad Right of Way at South St. and Beech St., Acquisition for Transfer Station

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

8/ Transfer of Funds: General Administration

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9/ Fiscal Year 96-97 Carry Forwards

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

RESOLUTION #272
REPORT OF COMMITTEE
BY THE AD HOC COMMITTEE ON HOUSING

TO WHOM WAS REFERRED: The charge to promote home ownership in Lansing.

REPORTS AS FOLLOWS: This report contains the recommendations of the Ad Hoc Committee with respect to how a down payment assistance program for City of Lansing employees may be implemented in Lansing and what the parameters for such a program would be. It is the recommendation of the Ad Hoc Committee on Housing that a City of Lansing Home Ownership Program (COLHOP) be implemented in the fiscal year 1996-97 within the City of Lansing.

Signed: Paul F. Novak, Chair

BY COUNCILMEMBER NOVAK

That the report of the Committee be received.

CARRIED UNANIMOUSLY

Report of the Ad Hoc Committee on Housing
Suggesting Guidelines for the Parameters of a
City of Lansing
Employee Home Ownership Program (COLHOP)

I. EXECUTIVE SUMMARY

The Ad Hoc Committee on Housing was formed this year for the purpose of discussing policies and programs which the City of Lansing might implement to promote improvements in Lansing's existing housing stock, the development of new housing, and an increase in home ownership ratios within the City of Lansing. One of the first tasks which the Committee has performed is the review of home ownership programs for purposes of determining how the City of Lansing might implement a home ownership program for City of Lansing employees.

This report contains the recommendations of the Committee with respect to how a home ownership program may be implemented in Lansing and what the parameters for such a program would be. It is the recommendation of the Ad Hoc Committee on Housing that a City of Lansing Home Ownership Program (COLHOP) be implemented in the fiscal year 1996-97 within the City of Lansing. The program should contain the following elements:

1. A loan of up to $5,000.00 for down payment assistance and closing costs would be available for City of Lansing employees and would be forgivable over a five year period.

2. The loan should not be restricted to certain income levels.

3. The program should not be restricted to certain geographically targeted areas but should be available City-wide.

4. The loan should be available irrespective of house price.

5. The program should be available for both full and part time employees.

6. The program should be available to City of Lansing employees who currently rent in the City.

7. The program should be restricted to common mortgage instruments.

In summary, the Committee felt that the program should be kept as simple as possible both for ease of administration and to maximize the number of participants.

II. INTRODUCTION

Many communities have begun implementation of home ownership programs for the purposes of revitalizing neighborhoods and promoting good will with employees. The City of East Lansing developed such a program on September 5, 1995, which provides incentives for down payment assistance for East Lansing employees who live within specific targeted neighborhoods within the City of East Lansing. (The East Lansing Employee Home Ownership Program is attached as Appendix 1.) Similarly, in the private sector, Sparrow Hospital has developed a home ownership program for its employees entitled the 'Sparrow Neighborhood Home Ownership

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Program" (COLHOP) which specified four objectives:

1. To stimulate economic growth and stability within the community surrounding Sparrow.

2. To enhance Sparrow's relationship with its immediate community, particularly regarding housing issues.

3. To enhance Sparrow's relationship with its associates and to encourage retention and stability.

4. To provide an economic development/ associate assistance program model for emulation by other employers within the Lansing community. (Sparrow's SNHOP information is contained in Appendix 2.)

In addition to those programs which have already been implemented in the Lansing area for purposes of providing down payment assistance in home ownership, Fannie Mae has implemented two employer assisted housing mortgage loan programs; Magnet 5 and Magnet 3/2.[1]

The Committee has concluded that development of a COLHOP for City of Lansing employees makes sense. It addresses two primary concerns:

1. The decrease in home ownership ratios within the City of Lansing's neighborhoods; and

2. The encouragement to City of Lansing employees to "take stock in" the City in which they work by living in it.

The COLHOP recommended by the Ad Hoc Committee would provide down payment and closing cost assistance to City of Lansing employees who either a.) do not live in the City currently; or b.) live in an apartment in the City of Lansing and would be moving to an owner occupied home within the City. COLHOP loan assistance should be available to City of Lansingemployees only once over the duration of their employment. Further parameters for the COLHOP are identified below.

III. TERMS OF THE DOWN PAYMENT ASSISTANCE LOAN

The Ad Hoc Committee reviewed the following issues for purposes of developing a home ownership program for the City:

1. Length of forgiveness of the loan.

2. Income qualifications for loan recipients.

3. Whether the home ownership program should be restricted to geographically targeted areas.

4. Whether the program should be restricted to home prices that do not exceed a certain amount.

5. Whether the program should be available to both full and part time employees.

6. Whether the program should be available to employees who already rent in Lansing.

7. Whether the program should be restricted to conventional mortgages or be available for land contracts as well.

In reviewing each of these issues, the Committee quickly developed a consensus that the program should be kept simple to make the program as attractive as possible to employees.

A. Length of Loan Forgiveness

The Committee concluded that five years would be an appropriate duration over which to forgive the down payment assistance loan. That period is consistent with one of the Fannie Mae employer assisted housing programs. Furthermore, a shorter period may provide an incentive to abuse the program by purchasing a house only for a year or two only to sell the home and reap economic benefits attributable to a forgiven loan.

If employees had their employment with the City terminated before the end of five years, the remaining unforgiven amount of the loan would be collected through a lien on the property.

B. Income Qualifications for Loan Recipients

The Committee felt that no income restrictions should be placed upon the COLHOP. The primary rationale for the program is to have City of Lansing employees live within the City which is as important, if not more so, for higher paid employees as it is for others.

A few committee members raised the issue of whether City department heads should be eligible for the program since they are legally obligated to live in the City. A majority of the Committee felt the program should be available for department heads. The program should not be available to elected officials.

C. Geographic Restrictions

[1] Information with respect to the Fannie Mae Programs are attached as Appendix 3. The publicization and promotion of employer assisted housing mortgage loan programs that are available to private companies with Fannie Mae's assistance may be the subject of further discussion by the Ad Hoc Housing Committee and future reports. This report centers only upon employer assisted housing mortgage loan programs for City of Lansing employees.

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Both the East Lansing and Sparrow Home Ownership Programs target specific geographically defined neighborhoods. The Committee felt that the COLHOP should be available for all neighborhoods in the City. Whether additional incentives may be developed for particular areas (i.e., incentives for police officers to live in high crime neighborhoods), is a subject not addressed in this report.

D. Home Price Restrictions

Similar to the discussion set forth in B above, the Committee felt that there should be no restrictions on housing prices as a criterion for eligibility in the program.

E. Full and Part Time Employees

The Committee recommends making the program available to both full and part time City of Lansing employees.

F. Rent's

The Committee also recommends making the program available to City of Lansing employees who rent in the City. For purposes of maintaining a long-term employee commitment to the City, converting renters to home owners is desirable. This feature of the program would also make it more available to newer employees.

G. Extension of the Program to Land Contracts

After much discussion, the Committee decided that the logistics of extending the program to payment assistance for land contract home purchases should not be done – at least initially. The Committee recommends making the program available for common mortgages (including fixed mortgages, adjustable rate mortgages, etc.)

IV. Conclusion

Lansing has an interest in seeing that as many of its employees as possible take a vital interest in the neighborhoods of the City. The implementation of a COLHOP promotes that objective by providing an incentive to City employees to voluntarily move into a home within the City. The Committee urges the adoption and implementation of a COLHOP as quickly as possible in the coming fiscal year.

RESOLUTION #273
BY COUNCILMEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Jeffrey Maurice Allen, Sr., passed away on June 18, 1995; and

WHEREAS, in the years prior to his death, Mr. Allen served in combat during the Gulf War as an Army sergeant, and on his return to Lansing, participated in the Neighborhood Youth Parent Prevention Partnership (NYPPP), coached a Police Athletic League team, refereed basketball games, and was very active in the Concerned Citizens of Beechfield organization; and

WHEREAS, on June 18, 1996, a picnic sponsored by the NYPPP, Concerned Citizens of Beechfield, and the Ebeneezer Baptist Church will be held to honor Mr. Allen's memory;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 17th day of June, 1996, hereby commends the life of Jeffrey Maurice Allen, Sr., with recognition that Lansing is a better city in which to live and raise a family because of his contributions to our community.

By Councilmember Allen

Carried unanimously

RESOLUTION #274
BY THE COMMITTEE OF WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Committee on Public Safety has recommended an increase in crossing guard wages of $6.30 per hour for the first year and $7.00 per hour each year thereafter with a quarterly bonus for not calling in sick during the quarter of $50.00, to be effective July 1, 1996; and

WHEREAS, the Committee on Ways and Means has reviewed the recommendation from the Public Safety Committee and concurs with said recommendation.

NOW, THEREFORE, BE IT RESOLVED that the rates and conditions described in the first paragraph are hereby adopted by the Lansing City Council; and

BE IT FURTHER RESOLVED that the administration is authorized to take appropriate action to administratively fund this wage increase.

By Councilmember Beal

Carried unanimously

RESOLUTION #275
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF

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THE CITY OF LANSING

WHEREAS, the Fiscal Year 1996-97 budget contains appropriations of $30,000 for community use of the Lansing Center, Oldsmobile Park, and the City Market and $20,000 for community use of other city facilities and co-sponsorship of city-wide events; and

WHEREAS, the Council President has received a recommendation from the administration on processing requests for utilization of these funds; and

WHEREAS, the Committee on Ways and Means believes that this administrative process should be governed by an adopted policy statement.

NOW, THEREFORE, BE IT RESOLVED that the $30,000 designated for use of the Lansing Center, Oldsmobile Park, and the City Market shall be utilized solely to provide financial support of up to 50% of the normal rental fee for use of these facilities. Eligible groups include all neighborhood watches, neighborhood associations, and other neighborhood based non-profit organizations whose primary purpose is to improve Lansing neighborhoods or serve Lansing residents. Other eligible non-profit groups include organizations located in Lansing whose membership is substantially comprised of Lansing residents, and whose primary purpose is to provide services, programs, or activities targeting Lansing residents; and

BE IT FURTHER RESOLVED that the $20,000 designated for Community Promotion shall be utilized solely to provide financial assistance of up to 100% of the normal fee for the use of park facilities and equipment. Eligible non-profit groups include all neighborhood watches, neighborhood associations, and other neighborhood-based non-profit organizations whose primary purpose is to improve Lansing neighborhoods or serve Lansing residents. The other eligible non-profit use of this account is to support city-wide events, programs, and activities targeting area youth; and

BE IT FINALLY RESOLVED that any request received from a governmental unit shall require council action for approval.

By Councilmember Beal

To accept a substitute resolution for the one originally contained in the packet and to place an affirmative roll on the substitute resolution

Carried unanimously

RESOLUTION #276

BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the Parking System and the Administration have evaluated the impact of the evening and Saturday metered parking fees on customer service;

WHEREAS, the Parking System and the Administration have determined that evening and Saturday metered parking fees are deleterious to the downtown business environment and do not present a cordial environment for visitors to the City;

WHEREAS, the Mayor's office has received a request to rescind evening and Saturday metered parking fees signed by fifty-four downtown merchants;

WHEREAS, the proposed recommendations have been reviewed by the Committee on Ways and Means;

NOW, THEREFORE BE IT RESOLVED, the Lansing City Council hereby establishes the following parking rate policy:

> Commencing ~~July 1, 1996~~ JUNE 18, 1996, the hours of operation for all metered parking in the Lansing Municipal Parking System will be from 8:00 a.m. until 6:00 p.m. Monday through Friday.

BE IT FINALLY RESOLVED, all other parking rates not changed by this resolution shall remain in effect.

By Councilmember Beal

To discharge the Committee on Ways and Means from consideration of this issue and to accept a friendly amendment proposed by Councilmember Leeman to give the resolution immediate effect by deleting the effective date of July 1, 1996 in the next to the last paragraph and replacing it with the effective date of June 18, 1996, and to place an affirmative roll on the resolution as amended.

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a Resolution approving a change back to the old Evening and Saturday Parking Rates

HANDLED AS RESOLUTION #276

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

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To excuse Councilmember Lilly from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

Victoria Castilla of 1024 Porter spoke in opposition to the North Side Police Precinct and advised Council that they should start listening to the people who appear to speak to them.

Karen Gierman of 3019 Ingham stated that she has cleared-up all of the code compliance violations she was cited with after appearing at last Monday's City Council meeting to complain about the Code Compliance Department.

William Hubbell of 1827½ Holmes Rd. noted that tomorrow is the filing date for the petitions to repeal the civil rights ordinances. He thanked Council for adopting the evening and Saturday parking rate resolution.

Helen Fiser of 12100 S. Cork in Morrice said that it should not take the Administration 30 days to respond to the questions of the Public Service Committee.

Chris Cotter of 2111 Harding Ave., a candidate for Ingham County Drain Commissioner, said that he recently got copies (through a FOIA request) detailing how much the City of Lansing adds to the 1.6 billion gallons of sewage being discharged into the Grand River. Anyone interested in seeing this report, or, in helping him establish an overflow watch may call 372-2632. They will attempt to determine if the City really needs the CSO project.

Lloyd Teets of 116 E. Elm St. reported paying his sewer bill today and said that he calculated what his bill would have been if the 6% increase were in affect and the Mayor's numbers do not add up. This is just one more incidence of the City of Lansing sticking it to the little guy.

Jason Wade of 301 S. Clemens spoke in opposition to the North Side Police Precinct. This money should be spent on programs for kids.

Ernesto Mireles of 1097 Meadowlawn said that he and a large group of North Side residents have been working very seriously on the petition drive to keep the North Side Police Precinct out of their neighborhood. They want this money spent in ways that are more responsive to the residents. They will remember at election time how their ward Councilmember votes on this issue.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked the Potter Park Zoological Society for the fund raiser they held to fund the expansion of the Zoo. This was a wonderful downtown activity for both kids and adults. She announced a Quality Initiative Program at the Kellogg Center this Wednesday. She thanked Betty Kost for the REO Historical Marker Dedication Ceremony. The District Library Committee will conduct a forum in City Council Chambers next Thursday at 8:00 P.M. The program will be televised on Channel 28.

Councilmember Beal said that she does not support the North Side Police Precinct, neither did she support the South Side Police Precinct. People are making incorrect statements about this. She has never supported the decentralization of the Police Department. Additionally, Bancroft Park is not being absorbed into Groesbeck Golf Course as Ms. Castilla stated. Bancroft Park will remain a park and will not be demolished. She complimented Councilmember Leeman on the Public Services Committee meeting held last Thursday. She said that the Ways and Means Committee is considering a return to the commodities charge on sewer rates. She added her compliments to those of Councilmember Bauer for the REO Historical Marker Dedication Ceremony and confirmed the regularly scheduled Ways and Means Committee Meeting this Wednesday at 4:00 P.M.

Councilmember Novak announced an Advent House Ministries Garden Tour this Sunday from 2-6:00 P.M. They will tour 8 houses on the west side. The charge for the tour is $10.00. The proceeds will benefit the homeless program at Advent House. Tickets can be bought at the Lemonade Stand at 1609 W. Lenawee. He congratulated the North Lansing Community Association on the success of the Heritage Festival.

Councilmember Benavides said that the issue of the North Side Police Precinct has been a very emotional one for everybody involved. The idea is not to put money into old buildings and waste resources, but to put officers closer to the people they are trying to serve. You cannot measure the value this will bring to the community. We should begin extensive communications with the people who will be affected on a home by home/block by block basis, as well as scheduling some town meetings on the issue. As the Director of Cristo Rey Community Center, he sees the potential for positive results of having the police in the community and closer to the people. He sees a need for this kind of policing in the community. Conditions have not improved in this area in the

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time that he has been at Cristo Rey.

Councilmember Allen thanked Betty Kost for the magnificent REO Historical Marker Dedication Ceremony. She confirmed the regularly scheduled Public Safety Committee Meeting on Tuesday, June 18, 1996 at 3:00 P.M., at which they will take up the issue of the North Side Police Precinct. She counseled the people on the North Side to give this idea a chance. There was quite a bit of opposition to the South Side Police Precinct when it was proposed, however, the residents have discovered what a positive affect it has had on their community. They have a greater understanding of the Police Department and the Police have a better understanding of the residents, there is nothing to fear from the North Side Police Precinct. She announced a meeting of the Second Ward Neighborhood Alliance Organization tomorrow evening at the South Side Police Precinct at 7:00 P.M. She announced that this Wednesday evening begins the first of the Concerts in the Park Series which will run to August 21, 1996. A schedule of the concerts will run on Channel 28. She wished a happy birthday to her mother.

Councilmember Leeman responded to a question by Mrs. Fiser, saying, that it was his recommendation that the Administration be given 30 days to respond to questions of the Public Service Committee on the Stormwater issue. It is possible that they will not need that amount of time to respond and will get back with the Committee before the 30 day period is up. He reported attending several events over the course of last week, including; a Franklin St. Housing Cooperative meeting at the City Market, the Moores Park Party last Friday, the Gier Park Magic Tournament, and the North Lansing Heritage Festival where he worked in the Dunk Tank on Saturday.

Council President Jones thanked Betty Kost for the great job she did on the REO Historical Marker Dedication Ceremony. He also thanked the members of the Steering Committee of the City Wide Community Center Committee. They hope to have the South Side Community Center in operation by the end of 1997. He is very pleased with the ground work that has been laid. He urged the public to go to Fulton Park and walk the Molly Weston Trail, which was formally named in a Dedication Ceremony last Saturday at Woodcreek School.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener explained the difference between the North Side Police Precinct and the North Side Network Center that will be located in the old School for the Blind. The Network Center will provide comprehensive community services to the people who live on the North side. The North Side Police Precinct issue will be taken up by the Public Safety Committee with special presentations at this week's meeting. He urged everyone who has concerns about the North Side Police Precinct, particularly those people who have been circulating petitions, to take part in the meeting so that the Administration and the Citizenry can benefit from a thorough discussion of the issue.

He announced that Sparrow Hospital is continuing a health needs assessment on the East Side. Anyone interested in participating in the survey of Health care needs and other Community Service needs may contact the Mayor's Office or the Sparrow Hospital Community Education Program at 703 E. Michigan Ave.

He reported attending the Kick-off celebration of the beginning of the third year of Sparrow's SNHOP, employee home ownership incentive program. This is a wonderfully successful program that the City of Lansing hopes to model it's own COLHOP after. He stated that he has noted the concerns expressed by Paul Scott. He is having difficulty following the numbers put out by Mr. Teets in his comments about the sewer service rate increase. The Administration will continue to provide information to the Public Services Committee and the Ways and Means Committee regarding the Sewer Rate issue.

ADJOURNED 8:40 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JUNE 24, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence in which to reflect on the blessings of our families, and the Pledge of Allegiance was led by Council President Jones

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a Resolution Correcting a mistake in the FY 1996-97 Budget Resolution

2. From Councilmember Beal; a Letter from the Capitol City Riverfest requesting a Donation of Funds to help with the Costs of the Bass Tub

3. From Councilmember Beal; additional information regarding the use of Credit Cards by Local Units of Government

4. From Councilmember Lilly; a draft agreement with the Greater Lansing Amateur Hockey Association for activities at Washington Park Ice Skating Rink

Carried unanimously

SPECIAL CEREMONIES

A. Jennifer Grau, Director of the Lansing Neighborhood Council, along with Mayor Hollister and President Jones introduced Team Captains of the 1996 Paint Blitz and announced that Certificates of Recognition will be distributed to participants following the meeting. Mrs. Grau announced that they painted 35 homes this year. Mrs. Grau thanked the Team Members, and the Sponsors of this year's event. She thanked Mayor Hollister and President Jones for the City's contribution of funds, which seeds the program every year.

PUBLIC COMMENT

Lloyd Teets of 116 E. Elm St. spoke in support of the agreement with the Greater Lansing Amateur Hockey Association for events at Washington Park. He stated that he participated in the Paint Blitz, but next year he wants to be on President Jones' team, because they finish earlier.

Bernie Meissner of 635 LaSalle Blvd. requested that Council withdraw their resolution placing the Civil Rights Ordinance Repeal on the November 1996 General Presidential Election ballot. He asked Council to allow the MOST proposals to stand alone. He thanked everyone who helped with the second petition drive.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Equal Rights Task Force, said that they had a team in the Paint Blitz and hope to participate again next year. He challenged Councilmember Novak, and the members of MOST to a "Paint-Off" next year. He opposes the idea of Council withdrawing their ballot proposal regarding the repeal of the civil rights ordinances and accused MOST of deliberately creating confusion among the voters of Lansing.

William Hubbell of W. Holmes Rd. asked that the City be deliberate and thoughtful in it's street repair efforts.

Robert Bennett of 222 W. Saginaw spoke in support of the proposal for the North Side Police Precinct. He supports locating this facility in the School for the Blind building.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Mavis Edwards of 2433 Eaton Rd. in Lansing protesting the increase in Monthly Parking Rates for Lot 15 of the Lansing Municipal Parking System

REFERRED TO THE MAYOR AND THE COMMITTEE ON WAYS AND MEANS

B. Michigan Tax Tribunal Appeals as follows:

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-Electronic Data Systems PN 19918
-Electronic Data Systems PN 19920
-Ramco-Gershenson, Inc.

REFERRED TO THE MAYOR AND THE CITY ATTORNEY

C. Letter from the Ingham Intermediate School District submitting their 1996 Summer Tax Levy and Tax Rate Request Form

REFERRED TO THE MAYOR

D. Letter from Ingham County Clerk in response to a referral to him requesting information about the process for recall of City Councilmembers

RECEIVED AND PLACED ON FILE

E. Letter from the State of Michigan Department of Transportation regarding Local Share of a project for Landscaping along Highway M-99

REFERRED TO THE MAYOR

F. Letter from MOST (Majority Opposed to Special Treatment) requesting that Council withdraw it's Ballot Language placing the Civil Rights Ordinance issue on the November 1996 General Election Ballot

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE OF THE WHOLE

G. Letter from Teresa & Aaron Aikman of 810 Prospect requesting that they be allowed to purchase property adjacent to their house

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister had not comments at this time

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk submitting Licenses and Bonds for Referral:

Referral:

Fireworks Display (1) Melrose Pyrotechnics, Inc.
Second Hand (6)
Transfer Class C (1) Nappy Enterprises
Peddler/Transient Merchant (1) Bobby D. Trejo
Wrecker Service (7)

REFERRED TO THE COMMITTEE ON GENERAL SERVICES (the Fireworks Display Permit for Melrose Pyrotechnics was added to resolution #283 Approving Licenses and Bonds)

B. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the Cable and Telecommunications Advisory Board Recommending Approval of the Merger between U.S. West and Continental Cablevision

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

D. Letters from the Mayor re:

1/ Local Government Credit Card Use Policy

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Establishing Annual Maintenance Fees for Four Companies that have applied for Telecommunications Systems Permits

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON WAYS AND MEANS

3/ Letter of Appreciation from Phyllis Macklem to the Lansing Police Department

RECEIVED AND PLACED ON FILE

4/ Letter of Appreciation from Pam Burhham to Chris Segerlind and Bob Johnson

RECEIVED AND PLACED ON FILE

5/ Letters in support of the North Side Police Precinct

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON WAYS AND MEANS

6/ 1996 Street Repair Schedule

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

7/ Transfer of Funds: ACT 51, Fire Department, Infrastructure

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #277
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred a letter from George Anderson, 202 East Mason, regarding missing "No Parking" signs

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ON HIS STREET,

REPORTS AS FOLLOWS: THE COMMITTEE RECEIVED A VERBAL REPORT FROM A TRANSPORTATION DIVISION STAFF MEMBER THAT THIS MATTER IS BEING HANDLED ADMINISTRATIVELY. NO COUNCIL ACTION IS REQUIRED.

SIGNED: SANDY ALLEN
HAROLD LEEMAN
ELLEN BEAL

BY COUNCILMEMBER ALLEN:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #278
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS APPOINTED PATRICIA ANN FARHAT-REED, 2501 HAMPDEN DRIVE, TO FILL A VACANCY IN AN AT-LARGE SEAT ON THE BOARD OF POLICE COMMISSIONERS, FOR A TERM TO EXPIRE JUNE 30, 1999; AND

WHEREAS, THE COMMITTEE ON PUBLIC SAFETY HAS INTERVIEWED THE APPOINTEE AND FOUND HER TO BE WELL QUALIFIED TO SERVE ON THIS BOARD;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE APPOINTMENT OF PATRICIA ANN FARHAT-REED TO AN AT LARGE SEAT ON THE BOARD OF POLICE COMMISSIONERS, FOR A TERM TO EXPIRE JUNE 30, 1999.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

ITEM XIII A, RESOLUTION BY COUNCILMEMBER PAUL NOVAK, ADOPTING THE FINAL DRAFT OF THE CITY OF LANSING HOME OWNERSHIP RESIDENCY INCENTIVE PROGRAM (L-HOP) WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER NOVAK

ITEM XIII B, RESOLUTION BY THE COMMITTEE ON DEVELOPMENT AND PLANNING, APPROVING ACT-09-96, NE CORNER OF GRAND AND MICHIGAN AVE; LANSING ROTARY CLUB STEAM CLOCK IN WENTWORTH PARK, WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER LILLY

RESOLUTION #279
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS RE-APPOINTED THREE MEMBERS OF THE PLANNING BOARD TO NEW FOUR-YEAR TERMS; AND

WHEREAS, TWO OF THE RE-APPOINTEES HAVE CONTINUED TO SERVE ON THE BOARD DESPITE THE EXPIRATION OF THEIR PREVIOUS TERMS ON JUNE 30, 1995; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING WAIVED THE INTERVIEW OF THE APPOINTEES AND RECOMMENDS THAT THE REAPPOINTMENTS BE CONFIRMED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE FOLLOWING RE-APPOINTMENTS TO THE PLANNING BOARD, FOR TERMS AS INDICATED:

GARRY GOOLSBY, AT-LARGE, TERM EXPIRES JUNE 30, 1999

JANE MARSHALL, THIRD WARD, TERM EXPIRES JUNE 30, 1999

JARL NISCHAN, FIRST WARD, TERM EXPIRES JUNE 30, 2000.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #280
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS APPOINTED ANDREW C. FREDERICK, 3728 STONELEIGH, TO AN AT-LARGE POSITION ON THE PLANNING BOARD, FOR A TERM TO EXPIRE JUNE 30, 2000; AND

WHEREAS, THE COMMITTEE INTERVIEWED THE APPOINTEE AND FOUND HIM TO BE QUALIFIED TO SERVE ON THE BOARD;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE APPOINTMENT OF ANDREW C. FREDERICK TO AN AT-LARGE POSITION ON THE PLANNING BOARD, FOR A TERM TO EXPIRE JUNE 30, 2000 .

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #281
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, LARRY CUMMINGS FILED A CLAIM AGAINST THE CITY IN THE AMOUNT OF $757.35 IN PROTEST OF A SPECIAL ASSESSMENT FOR A TRASH REMOVAL AT HIS

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RENTAL PROPERTY LOCATED AT 1422 ADA STREET; AND

WHEREAS, THE CITY ATTORNEY'S STAFF RECOMMENDATION WAS TO DENY THE CLAIM, WHICH WAS CONCURRED IN BY THE CLAIMS REVIEW COMMITTEE; AND

WHEREAS, THE CLAIMANT APPEALED THE DENIAL TO THE CITY COUNCIL AND APPEARED BEFORE THE GENERAL SERVICES COMMITTEE, FURNISHING TESTIMONY IN SUPPORT OF THE CLAIM, WHICH WAS SUPPORTED BY DISTRICT COURT FILINGS SHOWING HE WAS IN THE MIDST OF AN EVICTION PROCEEDING WHEN THE VIOLATION NOTICE WAS SENT; AND

WHEREAS, THE CLAIMANT ALSO PROVIDED INFORMATION ABOUT A SECOND TRASH REMOVAL ASSESSMENT FOR A CLEAN-UP WITHIN WEEKS OF THE SUBJECT CLAIM; AND

WHEREAS, UNDER THE PARTICULAR CIRCUMSTANCES OF THIS CLAIM, THE COMMITTEE DETERMINED THAT THE CLAIMANT WAS DUE FOR SOME RELIEF FROM THE ENTIRE AMOUNT OF THE ASSESSMENT, AND NEGOTIATED A SETTLEMENT WHEREIN THE CLAIMANT AGREED TO PAY THE SECOND TRASH REMOVAL ASSESSMENT IN THE AMOUNT OF $305, AND THE FIRST ASSESSMENT IS TO BE REMOVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONCURS WITH RECOMMENDATION OF THE COMMITTEE ON GENERAL SERVICES TO SETTLE THE CLAIM OF LARRY CUMMINGS BY REMOVING THE TRASH REMOVAL SPECIAL ASSESSMENT IN THE AMOUNT OF $757.35, WHILE THE CLAIMANT REMAINS RESPONSIBLE FOR THE TRASH REMOVAL SPECIAL ASSESSMENT IN THE AMOUNT OF $305.00; AND

BE IT FURTHER RESOLVED THE CITY CLERK IS REQUESTED TO FORWARD THIS RESOLUTION TO THE CITY ATTORNEY FOR ACTION TO SETTLE THE CLAIM.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #282
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CLERK HAS FORWARDED A SCHEDULE FOR CITY COUNCIL REGULAR MEETINGS FOR THE LAST SIX MONTHS OF 1996; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS REVIEWED THE SCHEDULE AND RECOMMENDS APPROVAL WITH MINOR CHANGES;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE FOLLOWING SCHEDULE FOR CITY COUNCIL REGULAR MEETINGS FOR THE LAST SIX MONTHS OF 1996:

MONDAY JULY 1
MONDAY JULY 8
MONDAY JULY 15
MONDAY JULY 22
MONDAY JULY 29
MONDAY AUGUST 5
MONDAY AUGUST 12
MONDAY AUGUST 19
MONDAY AUGUST 26
MONDAY SEPTEMBER 9
MONDAY SEPTEMBER 16
MONDAY SEPTEMBER 23
MONDAY SEPTEMBER 30
MONDAY OCTOBER 7
MONDAY OCTOBER 14
MONDAY OCTOBER 21
MONDAY OCTOBER 28
MONDAY NOVEMBER 4
TUESDAY NOVEMBER 12 (VETERAN'S DAY)
MONDAY NOVEMBER 18
MONDAY NOVEMBER 25
MONDAY DECEMBER 2
MONDAY DECEMBER 9
MONDAY DECEMBER 16
MONDAY DECEMBER 23

BY COUNCILMEMBER LILLY

TO AMEND THE RESOLUTION TO DELETE THE WORDS "JULY 30" AND REPLACE THEM WITH, "JULY 29"

CARRIED UNANIMOUSLY

BY COUNCILMEMBER BENAVIDES TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BENAVIDES, JONES, LILLY, NOVAK

NAYS: COUNCILMEMBERS BEAL, LEEMAN

RESOLUTION #283
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CLERK HAS FORWARDED SEVERAL APPLICATIONS FOR CITY LICENSES AND PERMITS, WHICH HAVE BEEN ROUTINELY PROCESSED WITHOUT OBJECTION AND ARE READY FOR FINAL ACTION BY THIS COUNCIL; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES RECOMMENDS THAT THE LICENSES AND PERMITS BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE FOLLOWING APPLICATIONS FOR CITY LICENSES:

WASTE HAULER LICENSE:

TRUGREEN-CHEMLAWN, 5935 ENTERPRISE,

WASTE MANAGEMENT OF MICHIGAN-MIDWEST, 16320 GROVE RD,

FIREWORKS DISPLAY :

LARRY J. HOLLEY, FOR JULY 4, 1996, AT OLDSMOBILE PARK

MELROSE PYROTECHNICS, FOR JULY 4, 1996 AT

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OAKPARK

By Councilmember Benavides

To suspend the rules to allow for the addition of the Fireworks Display Permit submitted by Melrose Pyrotechnics to the resolution for Approval of Licenses and Bonds, to discharge the Committee on General Services from consideration of this application, and to place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #284
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF LANSING

WHEREAS, the Old Oakland Neighborhood Association requested the City erect a fence at Westside Park to serve as a barrier between the park and the railroad; and

WHEREAS, the Park Board approved the request at their April 17, 1996 Board meeting; and

WHEREAS, this issue has been reviewed several times over the years with the railroad denying any financial obligation;

NOW, THEREFORE, BE IT RESOLVED the City Council authorizes the administration to proceed with the installation of fencing at Westside Park; and

BE IT FURTHER RESOLVED that the Mayor is authorized to utilize $6,075 in millage contingency funds available in account 412-933890-992000-46020 to be placed in an expenditure account for this purpose.

By Councilmember Beal

Carried unanimously

RESOLUTION #285
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following Transfers be approved

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$261,660	CDBG-19th Year 7 Blk. Rehabilitation 252-932663-975201-30730	CDBG-19th Year 7 Blk. Acquisition 252-932663-971004-30730

(Funds needed to pay for Phase three acquisition activities.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$12,000	Police Spec. Oper.-Salaries 101-343208-702000-0	
$ 2,300	Radio Lab.- Equipment 101-343222-977000-0	
$14,300		Police Department-Control 101-343201-992200-0
$14,300	Police Department-Control 101-343201-992200-0	Capital Improvements-Control 101-933901-992200-0
$14,300	Capital Improvements-Control 101-933901-992200-0	Oper. Trans.-410 Fund 101-933901-991410-0
$14,300	Estimated Revenues-Infrastructure 410-0-170001-0	Radio Base Station 410-933290-977000-13076

(UHF Quantar Base Station. Existing equipment 20 to 25 years old. Failure would result in loss of at least one channel of communications for 60 to 90 days. Revenue detail account 410-0-696101-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$2,822	General Adman.-Insurance & Bonds 101-173901-992200-0	General Adman.-Control 101-173901-992200-0
$2,822	General Adman.-Control 101-173901-992200-0	City Council-Control 101-112101-992200-0
$2,822	City Council-Control 101-112101-992200-0	Audit Fees 101-112101-743200-0

(Shortage after annual audit expense.)

By Councilmember Beal

Carried unanimously

RESOLUTION #286
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Department of Planning and Neighborhood Development had received approval in the previous fiscal year to hire a part-time contractual employee to perform Mechanical Inspections, and

WHEREAS, the Department of Planning and Neighborhood Development initially sought the same arrangement for the upcoming fiscal year but was informed that to continue this

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ARRANGEMENT WOULD BE IN VIOLATION OF UNION CONTRACTS AND THAT IN ORDER TO COME INTO COMPLIANCE, THE POSITION WOULD HAVE TO BE A PERMANENT PART-TIME POSITION; AND

WHEREAS, THE INFORMATION REGARDING COMPLIANCE WITH THE CONTRACTS WAS RECEIVED AFTER OUR INITIAL BUDGET WAS SUBMITTED TO THE MAYOR'S OFFICE; AND

WHEREAS, THE LANSING CITY COUNCIL HELD A BUDGET HEARING FOR THE DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT ON THURSDAY, APRIL 11, 1996 AT WHICH TIME THE MECHANICAL INSPECTOR POSITION WAS PRESENTED AS A PART-TIME PERMANENT POSITION AND WAS APPROVED ON THAT DAY, AND

WHEREAS, THE LANSING CITY COUNCIL DID ON MAY 20, 1996 APPROVE THE MAYOR'S PROPOSED FISCAL YEAR 1996-1997 BUDGET WITH AMENDMENTS, HOWEVER, THE MAYOR'S SUBMISSION INCLUDED THIS POSITION IDENTIFIED INCORRECTLY,

NOW THEREFORE BE IT RESOLVED THAT THE LANSING CITY COUNCIL APPROVE THE INCLUSION OF A PERMANENT PART-TIME MECHANICAL INSPECTOR FOR THE DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT IN THE FY 96/97 BUDGET INSTEAD OF THE CONTRACTUAL ARRANGEMENT AS WAS PREVIOUSLY DESCRIBED.

BE IT FURTHER RESOLVED THAT THE ADMINISTRATION BE GIVEN THE AUTHORITY TO CHANGE THE APPROVED BUDGET ACCORDINGLY.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #287
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE INGHAM COUNTY SHERIFF'S DEPARTMENT HAS RECEIVED A GRANT THROUGH THE AUTO THEFT PREVENTION AUTHORITY; AND

WHEREAS THE CITY HAS PREVIOUSLY ENTERED INTO A SUBCONTRACT WITH THE COUNTY TO PROVIDE A "TEAM" APPROACH TO AUTO THEFT INVESTIGATIONS; AND

WHEREAS, THE AMOUNT AVAILABLE, WHEN COMBINED WITH GRANT MATCHING FUNDS TOTALING $17,296 (26.4%), WILL BE SUFFICIENT TO OFFSET THE SALARY AND FRINGE BENEFIT COSTS FOR ONE (1) DETECTIVE II POSITION AT PRESENT SALARY AND FRINGE RATES; AND

WHEREAS, THE MAYOR HAS RECOMMENDED ACCEPTANCE OF THIS SUBCONTRACT;

NOW, THEREFORE, BE IT RESOLVED, THE LANSING CITY COUNCIL APPROVES ACCEPTANCE OF THE SUBCONTRACT WITH THE INGHAM COUNTY SHERIFF'S DEPARTMENT FOR AN AMOUNT UP TO $71,209.30 FOR CALENDAR YEAR 1996 TO FUND ONE DETECTIVE IIB POSITION, AND

FURTHER, THAT THE CITY WILL PROVIDE MATCHING FUNDS IN THE AMOUNT OF $17,296 FOR THE BALANCE OF THE PROJECTED COSTS FOR THIS POSITION FOR THE GRANT PERIOD, TO BE DRAWN FROM THE CURRENT BALANCE IN POLICE UNIFORM GRANT MATCHING FUNDS ACCOUNT; AND

FURTHER, THAT THE ADMINISTRATION IS HEREBY AUTHORIZED TO MAKE THE NECESSARY OPERATING TRANSFER FROM THE POLICE DEPARTMENT UNIFORM PATROL OPERATING TRANSFER MATCHING FUNDS ACCOUNT (A/C 101-34325199127 3-0) AND TO CREATE APPROPRIATE ACCOUNTS WITHIN THE FEDERAL AND STATE PROGRAMS FUND FOR THE EXPENDITURE AND CONTROL OF THE BALANCE OF THE GRANT FUNDS; AND

BE IT FINALLY RESOLVED, THAT AUTHORITY FOR THIS POSITION WITHIN THE POLICE DEPARTMENT TABLE OF ORGANIZATION SHALL TERMINATE UPON EXPIRATION OF THE SUBCONTRACT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

ITEM XIII D-5, RESOLUTION APPROVING A NOTICE OF INTENT TO ENTER INTO BUILDING AUTHORITY CONTRACT FOR SOUTHSIDE COMMUNITY CENTER WAS TABLED FOR 30 DAYS BY MOTION OF COUNCILMEMBER ALLEN PENDING THE RECEIPT OF INFORMATION FROM THE ADMINISTRATION, IT CAN BE FOUND IN FULL TEXT UNDER TABLED ITEMS

RESOLUTION #288
CITY OF LANSING
COUNTIES OF INGHAM AND EATON, STATE OF MICHIGAN
RESOLUTION APPROVING NOTICE OF INTENTION OF ENTERING INTO BUILDING AUTHORITY CONTRACT FOR GROESBECK MUNICIPAL GOLF COURSE IMPROVEMENTS

WHEREAS, THE CITY COUNCIL OF THE CITY OF LANSING (THE "CITY"), HAS DETERMINED, AND DOES HEREBY REAFFIRM, THAT IT IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY TO MAKE IMPROVEMENTS TO THE GROESBECK MUNICIPAL GOLF COURSE (THE "IMPROVEMENTS"); AND

WHEREAS, THE CITY COUNCIL HAS PREVIOUSLY ADOPTED A RESOLUTION STATING ITS INTENT TO FINANCE THE IMPROVEMENTS THROUGH THE ISSUANCE OF DEBT; AND

WHEREAS, ACT 31, PUBLIC ACTS OF MICHIGAN, 1948 (FIRST EXTRA SESSION), AS AMENDED ("ACT 31"), PROVIDES THROUGH THE PROCEDURES OF BUILDING AUTHORITY FINANCING A MEANS FOR THE ACQUISITION, CONSTRUCTION AND FINANCING OF RECREATIONAL FACILITIES; AND

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WHEREAS, the City, in accordance with the provisions of Act 31, has previously adopted Articles of Incorporation and has established the City of Lansing Building Authority (the "Authority"), with full powers to acquire, construct, and finance improvements to recreational facilities, including the Improvements; and

WHEREAS, this City Council determines it to be in the best interest of the City to acquire, construct, and finance the Improvements through the Authority in accordance with the provisions of Act 31; and

WHEREAS, in accordance with the requirements of Act 31, the City and the Authority will enter into a Full Faith and Credit Limited Tax General Obligation Contract of Lease (the "Contract") providing that the City shall transfer its interest in the property being improved to the Authority, that the Authority shall acquire and construct the Improvements and lease the improved property back to the City, that the Authority shall finance the Improvements through the issuance of its Limited Tax General Obligation Bonds, and that the City shall pay the Authority cash rentals in an amount sufficient to provide for payment of debt service on the bonds; and

WHEREAS, in accordance with the requirements of Act 31, the City must publish a notice of intention to enter into the Contract, and the Contract shall become effective without vote of the electors of the City sixty (60) days following the date of publication of the notice, unless a sufficient petition for referendum requesting an election on the Contract is filed with the City Clerk within least forty-five (45) days after the notice is published; and

WHEREAS, all of the expenditures for the Improvements are expected to be funded by the City on a long-term basis solely with the proceeds of bonds to be issued by the Authority pursuant to the Contract in the aggregate principal amount of not to exceed One Million Three Hundred Thousand Dollars ($1,300,000), which bonds will be issued in expectation of or in reimbursement of the expenditures; and

WHEREAS, the Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the City must declare official intent to reimburse expenditures with proceeds of such debt; and

WHEREAS, prior to the issuance of the bonds the City must either receive prior approval of the bonds from the Michigan Department of Treasury or be exempt from prior approval as provided in Chapter III, Section II of Act 202, Public Acts of Michigan, 1943, as amended ("Act 202"); and

WHEREAS, the City Council wishes to authorize the Authority to determine which entity should undertake construction of the Improvements.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council hereby determines it to be necessary for the public health, safety and welfare of the City to construct and acquire the Improvements for the use of the City.

2. This City Council deems it to be in the best interest of the City to finance the cost of such Improvements through the Authority in accordance with the provisions of Act 31.

3. The Notice of Intention of Entering into Contract of Lease as hereto attached as Exhibit A (the "Notice") shall be published in the Lansing State Journal, a newspaper of general circulation in the City, promptly upon adoption of this resolution, said Notice to appear as a display advertisement at least one-quarter (1/4) page in size.

4. The Contract shall not become effective until the expiration of sixty (60) days following the date of publication of the Notice. If, under the provisions of Section 8b of Act 31, a sufficient petition for referendum on the question of whether the Contract should be effective is filed with the City Clerk within forty-five (45) days after publication of the Notice, then the Contract shall not become effective without City voter approval.

The City Council hereby determines that the Notice contains the information necessary to adequately inform the taxpayers and electors of the City of the nature of the proposed contractual obligation. The City Council hereby determines that the designated newspaper is the newspaper circulating in the City which reaches the largest number of persons to whom the Notice is directed, and that publication of the Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the financing of the Improvements.

5. The City Council hereby ratifies and confirms its intention to covenant in the Contract that the City will levy ad valorem taxes against all taxable property in the City to the extent necessary to meet the obligations of the City thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rental under the Contract shall be limited as to rate or amount in the manner provided by law.

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6. The City Council hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

1. The City reasonably expects to reimburse itself for the expenditures for the Improvements with proceeds of debt to be incurred by the City or by the Building Authority on behalf of the City.

2. The maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is $1,300,000, which debt may be issued in one or more series.

3. A reimbursement allocation of the expenditures for the Improvements with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

4. The expenditures for the Improvements are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

5. No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (3) above.

6. Expenditures for the Improvements to be reimbursed from the proceeds of the borrowing for purposes of this Resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Improvements, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

7. This declaration of intent is made to indicate the intent of the City only, and does not bind the City to acquire and construct any improvements or to issue any obligations of the City with respect thereto.

7. The Director of Finance or his duly authorized deputy are each authorized to request an order from the Department of Treasury of the State of Michigan ("State Treasury") providing an exception for the bonds from prior approval or an order from State Treasury of approval to issue bonds, to request any necessary waivers, to pay any related fee, and to execute and deliver any documents as may be required by State Treasury in connection with such order.

8. The Authority is hereby directed to determine whether the Improvements should be constructed by the Authority, by the City, or by the Ingham County Drain Commissioner pursuant to an agreement to be entered into by the Authority and the Ingham County Drain Commissioner. In the event that the Authority enters into an agreement with the Ingham County Drain Commissioner for construction of the Improvements, the agreement shall be in form and substance satisfactory to the City Attorney.

9. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

By Councilmember Beal

Following extensive debate on this resolution the following motion was made:

By Councilmember Allen

To call the question on the passage of this resolution to a vote

Carried unanimously

Councilmember Beal's motion for affirmative roll was:

ADOPTED BY THE FOLLOWING VOTE:

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YEAS: Councilmembers Bauer, Beal, Benavides, Leeman, Novak

NAYS: Councilmembers Allen, Jones, Lilly

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a regular meeting held on June 24, 1996, at Seven o'clock p.m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak and that the following Members were absent; none

I further certify that Member Beal moved adoption of said resolution

I further certify that the following Members voted for adoption of said resolution: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak, and that the following Members voted against adoption of said resolution: None

Marilynn Slade,
City Clerk

NOTICE OF INTENTION OF ENTERING INTO LIMITED TAX-SUPPORTED CONTRACT OF LEASE AND OF RIGHT TO PETITION FOR REFERENDUM THEREON
GROESBECK MUNICIPAL GOLF COURSE IMPROVEMENTS

TO THE TAXPAYERS AND ELECTORS OF THE CITY OF LANSING, MICHIGAN:

PLEASE TAKE NOTICE that the City of Lansing intends to approve and execute a Full Faith and Credit Limited Tax General Obligation Contract of Lease with the City of Lansing Building Authority pursuant to Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Such Contract shall provide, among other things, that the Building Authority will construct improvements to the Groesbeck Municipal Golf Course and will issue its bonds in one or more series to finance the estimated cost of the same for the benefit of the City in an aggregate principal amount not to exceed one million three hundred thousand ($1,300,000) dollars. The bonds when issued will be payable in not to exceed 25 annual installments. The bonds will bear interest at a rate not exceeding the maximum rate per annum permitted by law.

The Contract further provides that the City will lease the improvements from the Building Authority and will pay as rental to the Building Authority all sums necessary to retire the principal of and interest on the bonds, together with all costs of operating and maintaining the improvements and all costs of the Building Authority in connection therewith, regardless of whether the improvements are completed or the golf course is useable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of City Charter, statutory and constitutional debt limitations, and the principal amount, together with the City's rental obligation for payment thereof, may be increased to cover increased costs of the improvements.

CITY CONTRACT OBLIGATION

BY VIRTUE OF THE CONTRACT AND ACT 31, ALL OF THE CITY'S REQUIRED PAYMENTS TO THE BUILDING AUTHORITY WILL BE LIMITED TAX FULL FAITH AND CREDIT GENERAL OBLIGATIONS OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES, TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON, IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE, AND AS LIMITED BY LAW. HOWEVER, THE OBLIGATION TO LEVY TAXES IS LIMITED BY APPLICABLE CONSTITUTIONAL, CHARTER AND STATUTORY TAX RATE LIMITATIONS.

IN THE EVENT THAT A SUFFICIENT PETITION REQUIRING AN ELECTION WITH RESPECT TO THE CONTRACT IS FILED, AS DESCRIBED BELOW, AND THE CONTRACT IS APPROVED BY VOTE OF THE ELECTORS, THE OBLIGATION TO LEVY AD VALOREM TAXES TO PAY THE PART OF THE CITY'S RENTAL OBLIGATION THAT WILL BE USED TO PAY DEBT SERVICE ON THE BUILDING AUTHORITY'S BONDS SHALL BE WITHOUT LIMITATION AS TO RATE OR AMOUNT.

THE PROPOSED CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY, AS PERMITTED BY LAW, UPON THE EXPIRATION OF 60 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE, UNLESS A SUFFICIENT PETITION REQUESTING AN ELECTION ON THE QUESTION OF WHETHER SUCH CONTRACT SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN 45 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE. If a sufficient petition is filed, the Contract shall not

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TAKE EFFECT WITHOUT AN APPROVING VOTE BY A MAJORITY OF ELECTORS OF THE CITY VOTING ON THE QUESTION.

THIS NOTICE IS GIVEN PURSUANT TO THE REQUIREMENTS OF SECTION 8(B) OF ACT 31. FURTHER INFORMATION CONCERNING THE DETAILS OF THE PROPOSED CONTRACT, THE IMPROVEMENTS BEING FINANCED, AND THE MATTERS SET OUT IN THIS NOTICE MAY BE SECURED FROM THE CITY CLERK'S OFFICE.

MARILYNN SLADE
CLERK, CITY OF LANSING

RESOLUTION #289
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, CITY COUNCIL APPROVED THE ANNUAL CITY BUDGET FOR FY 1996-97 ON MAY 20, 1996 BY ADOPTING RESOLUTION # 225, AND

WHEREAS, THE CITY COUNCIL APPROVED THE MINUTES OF ITS MAY 20, 1996 MEETING AT ITS MEETING OF MAY 28, 1996, AND

WHEREAS, SUBSEQUENT TO SUCH ADOPTION AND APPROVAL OF MINUTES IT HAS BEEN DETERMINED THAT ITEM II(J) OF RESOLUTION # 225 CONTAINS A TYPOGRAPHICAL ERROR INDICATING THAT $3,000,000 BE APPROPRIATED FROM INCREASED PROPERTY TAX REVENUES, WHEN THE AMOUNT OF SAID INCREASED REVENUES WAS ESTIMATED AT $300,000.

NOW THEREFORE BE IT RESOLVED THAT THE ACTION OF THE COUNCIL TO APPROVE ITS MINUTES OF MAY 20, 1996 AT ITS MAY 28, 1996 MEETING IS RESCINDED, AND

BE IT FURTHER RESOLVED THAT ITEM II (J) OF RESOLUTION #225 IS CORRECTED TO READ:

"FUNDING IN THE AMOUNT OF $300,000 IS APPROPRIATED FROM INCREASED PROPERTY TAXES AND DESIGNATED FOR ROAD RESURFACING. THESE FUNDS SHALL BE TRANSFERRED TO THE CAPITAL PROJECTS FUND AND ALLOCATED TO THE ACCOUNT ESTABLISHED FOR ROAD RESURFACING," AND

BE IT FINALLY RESOLVED THAT THE MINUTES OF THE MAY 20, 1996 CITY COUNCIL MEETING BE APPROVED AS CORRECTED.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #290
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY HAS ENTERED INTO A CONTRACT WITH KOLT & SERKAIAN COMMUNICATIONS, INC. (PUBLIC RELATIONS FIRM) FOR THE PURPOSE OF MAKING THE PUBLIC AWARE OF VARIOUS SERVICES AND ACTIVITIES AVAILABLE TO THEM THROUGH CITY DEPARTMENTS AND AGENCIES, AND TO COMMUNICATE TO THE PUBLIC INFORMATION REGARDING VARIOUS CITY INITIATIVES AND PROGRAMS; AND

WHEREAS, PURSUANT TO SAID CONTRACT THE MAYOR IS TO DIRECT THE PUBLIC RELATIONS FIRM IN A COMPREHENSIVE COMMUNICATION STRATEGY TO FULFILL THE AFORESTATED GOALS; AND

WHEREAS, THE CITY COUNCIL IS CONCERNED BECAUSE PUBLIC RELATIONS EFFORTS AND THE RELEASE OF CITY-RELATED INFORMATION REQUIRES CAREFUL PRIORITIZATION AND MONITORING TO MAXIMIZE EFFECTIVENESS AND ACCOUNTABILITY;

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL ADOPTS THE FOLLOWING PUBLIC RELATIONS AND PUBLIC INFORMATION POLICY:

1. THE PUBLIC RELATIONS FIRM SHALL HONESTLY, ACCURATELY, COMPREHENSIVELY, AND FAIRLY REPRESENT MATTERS AND ISSUES FACING THE CITY AND SHALL NOT PROMOTE OR FAVOR ANY SIDE OF A CONTROVERSIAL ISSUE. ALL PRESS RELEASES SHALL BE ISSUED IN A TIMELY MANNER.

2. NO CITY FUNDS SHALL BE EXPENDED FOR THE PURPOSE OF PROMOTING A PARTICULAR POSITION ON ANY BALLOT ISSUE WHICH IS BEFORE THE VOTERS IN A CITY ELECTION. THE CITY MAY MAKE REASONABLE EXPENDITURES TO GIVE VOTERS RELEVANT FACTS, CONSISTENT WITH ITEM #1 ABOVE, TO ASSIST THEM IN REACHING AN INFORMED JUDGEMENT WHEN VOTING ON A PROPOSAL.

3. THE PUBLIC RELATIONS FIRM SHALL FOCUS ON BONA FIDE CITY OF LANSING ISSUES, INITIATIVES, AND PROGRAMS, AND SHALL NOT ENGAGE IN ANY TYPE OF POLITICAL PROMOTION. THE PUBLIC RELATIONS FIRM SHALL NOT GENERATE NEWSLETTERS, PROMOTIONAL BROCHURES, PRESS RELEASES OR ADVERTISING TO PROMOTE AN INDIVIDUAL ELECTED OFFICIAL.

4. THE ADMINISTRATION SHALL PROVIDE THE CITY COUNCIL AND THE INTERNAL AUDITOR WITH A LIST OF PROGRAMS, INITIATIVES, EVENTS, AND POLICIES THAT ARE INCLUDED IN THE SCOPE OF THE CONTRACT. THIS LIST SHALL SPECIFICALLY IDENTIFY BOTH PUBLIC RELATIONS AND INFORMATIONAL ACTIVITIES WITHIN THE SCOPE OF THE CONTRACT AND THE DOLLAR AMOUNT, BY INDIVIDUAL FUNDING SOURCE (LINE-ITEM), AUTHORIZED.

5. THE ADMINISTRATION SHALL PROVIDE COUNCILMEMBERS AND THE INTERNAL AUDITOR WITH MONTHLY SUMMARIES IDENTIFYING FUNCTIONS

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PERFORMED, HOURS INVOLVED WITH EACH FUNCTION, AND AMOUNT PAID FOR EACH FUNCTION. THE MONTHLY REPORT SHALL INCLUDE COPIES OF ALL PRESS RELEASES, NEWSLETTERS, AND ANY OTHER INFORMATIONAL ITEM GENERATED.

6. PRINTING OF PUBLIC INFORMATION BROCHURES/LEAFLETS ET. AL. SHALL BE DONE IN-HOUSE BY THE CITY OF LANSING WHENEVER POSSIBLE. WHEN NOT POSSIBLE, COMPETITIVE BIDS SHALL BE OBTAINED AND THE CITY PURCHASING ORDINANCE FOLLOWED.

7. FIRM(S) PERFORMING PUBLIC RELATIONS/INFORMATION SERVICES SHALL BE AVAILABLE TO MEET UPON REQUEST, IN A TIMELY MANNER, WITH COUNCILMEMBERS, COUNCIL COMMITTEES, AND COUNCIL STAFF TO DISCUSS INITIATIVES OR TO RECEIVE INPUT.

8. IN THOSE MATTERS WARRANTING CITY COUNCIL ACTION THE COMMITTEE CHAIR SHALL BE CONSULTED PRIOR TO THE RELEASE OF ANY NEWS OR INFORMATION. IT IS THE RESPONSIBILITY OF THE FIRM(S) TO INITIATE SUCH CONTACT ON THOSE ITEMS BEING REVIEWED BY, OR REPORTED OUT OF, ANY COUNCIL COMMITTEE (EXAMPLE: STORMWATER FEE - PUBLIC SERVICE CHAIR).

9. PUBLIC RELATIONS FIRM(S) SHALL NOT REPRESENT THEMSELVES AS SPOKESPERSONS FOR THE CITY OF LANSING, NOR FOR ANY INDIVIDUAL CITY OFFICIAL. ALL NEWS RELEASES SHALL CLEARLY STATE IN BOLD LETTERS "THE CITY OF LANSING ANNOUNCES", OR OTHER SIMILAR LANGUAGE.

BE IT FINALLY RESOLVED THAT THIS POLICY SUPERSEDES AND REPLACES RESOLUTION #561 ADOPTED SEPTEMBER 5, 1995.

BY COUNCILMEMBER LILLY

TO ACCEPT A FRIENDLY AMENDMENT PROPOSED BY COUNCILMEMBER LEEMAN TO ADD A PARAGRAPH 10. TO STATE: A COPY OF ALL PRESS RELEASES SHALL BE TRANSMITTED TO THE 10TH FLOOR, COUNCIL STAFF ON A MONTHLY BASIS TO BE PLACED IN A NOTEBOOK FOR REVIEW BY COUNCILMEMBERS AND THE PUBLIC, AND TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER BEAL DISSENTING)

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-3-96, PART OF 330 CLOVERLAND, "A" RESIDENTIAL DISTRICT TO "F" COMMERCIAL DISTRICT

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #291
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, JULY 15, 1996 AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-3-96, PART OF 330 CLOVERLAND, "A" RESIDENTIAL DISTRICT TO "F" COMMERCIAL DISTRICT

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCES

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-4-96, 4720 S. CEDAR, "ALL RESIDENTIAL DISTRICT TO "F" COMMERCIAL AND "A" RESIDENTIAL DISTRICTS

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #292
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, JULY 15, 1996 AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR

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REZONING:

Z-4-96, 4720 S. CEDAR, "A" RESIDENTIAL DISTRICT TO "F" COMMERCIAL AND "A" RESIDENTIAL DISTRICTS

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCES

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-5-96, VACANT LAND, SW COR. , SO. M.L. KING BLVD. AND MARY AVENUE. "F" COMMERCIAL AND "J" PARKING DISTRICTS TO "F" COMMERCIAL DISTRICT

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #293
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, JULY 22, 1995 AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-5-96, VACANT LAND, SW COR. , SO. M.L. KING BLVD. AND MARY AVENUE, "F" COMMERCIAL AND "J" PARKING DISTRICTS TO "F" COMMERCIAL DISTRICT

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCES

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-6-96, 206 E. GRAND RIVER AVENUE, "F-1" COMMERCIAL DISTRICT TO "G-1" BUSINESS DISTRICT

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #294
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, JULY 22, 1995 AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-6-96, 206 E. GRAND RIVER AVENUE, "F-1" COMMERCIAL DISTRICT TO "G-1" BUSINESS DISTRICT

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

TABLED ITEMS

CITY OF LANSING
COUNTIES OF INGHAM AND EATON,
STATE OF MICHIGAN
RESOLUTION APPROVING
NOTICE OF INTENTION OF
ENTERING INTO
BUILDING AUTHORITY CONTRACT FOR
SOUTHSIDE COMMUNITY CENTER

WHEREAS, THE CITY COUNCIL OF THE CITY OF LANSING (THE "CITY"), HAS DETERMINED, AND DOES HEREBY REAFFIRM, THAT IT IS NECESSARY FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY TO ACQUIRE AND CONSTRUCT A SOUTHSIDE COMMUNITY CENTER AT WASHINGTON PARK (THE "PROJECT"); AND

WHEREAS, ACT 31, PUBLIC ACTS OF MICHIGAN, 1948 (FIRST EXTRA SESSION), AS AMENDED ("ACT 31"), PROVIDES THROUGH THE PROCEDURES OF BUILDING AUTHORITY FINANCING A MEANS FOR THE ACQUISITION, CONSTRUCTION AND FINANCING OF RECREATIONAL FACILITIES; AND

WHEREAS, THE CITY, IN ACCORDANCE WITH THE PROVISIONS OF ACT 31, HAS PREVIOUSLY ADOPTED ARTICLES OF INCORPORATION AND HAS ESTABLISHED THE CITY OF LANSING BUILDING AUTHORITY (THE "AUTHORITY"), WITH FULL POWERS TO ACQUIRE, CONSTRUCT, AND FINANCE RECREATIONAL FACILITIES, INCLUDING THE PROJECT; AND

WHEREAS, THIS CITY COUNCIL DETERMINES IT TO BE IN THE BEST INTEREST OF THE CITY TO FINANCE A PORTION OF THE COSTS OF ACQUIRING AND CONSTRUCTING THE PROJECT THROUGH THE AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF ACT 31; AND

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WHEREAS, in accordance with the requirements of Act 31, the City and the Authority will enter into a Full Faith and Credit Limited Tax General Obligation Contract of Lease (the "Contract") providing that the Authority shall acquire and construct the Project and lease the Project to the City, that the Authority shall finance a portion of the Project through the issuance of its Limited Tax General Obligation Bonds, and that the City shall pay the Authority cash rentals for lease of the Project in an amount sufficient to provide for payment of debt service on the bonds; and

WHEREAS, in accordance with the requirements of Act 31, the City must publish a notice of intention to enter into the Contract, and the Contract shall become effective without vote of the electors of the City sixty (60) days following the date of publication of the notice, unless a sufficient petition for referendum requesting an election on the Contract is filed with the City Clerk within least forty-five (45) days after the notice is published; and

WHEREAS, a portion of the expenditures for the Project are expected to be funded by the City on a long-term basis solely with the proceeds of bonds to be issued by the Authority pursuant to the Contract in the aggregate principal amount of not to exceed Three Million Three Hundred Thousand Dollars ($3,300,000), which bonds will be issued in expectation of or in reimbursement of the expenditures, and the remaining portion of the expenditures for the Project are expected to be funded by the City from other funds; and

WHEREAS, the Internal Revenue Service has issued Treasury Regulation § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended, governing proceeds of debt used for reimbursement, pursuant to which the City must declare official intent to reimburse expenditures with proceeds of such debt; and

WHEREAS, prior to the issuance of the bonds the City must either receive prior approval of the bonds from the Michigan Department of Treasury or be exempt from prior approval as provided in Chapter III, Section II of Act 202, Public Acts of Michigan, 1943, as amended ("Act 202").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council hereby determines it to be necessary for the public health, safety and welfare of the City to construct and acquire the Project for the use of the City.

2. This City Council deems it to be in the best interest of the City to finance a portion of the cost of such Project through the Authority in accordance with the provisions of Act 31.

3. The Notice of Intention of Entering into Contract of Lease as hereto attached as Exhibit A (the "Notice") shall be published in the Lansing State Journal, a newspaper of general circulation in the City, promptly upon adoption of this resolution, said Notice to appear as a display advertisement at least one-quarter (1/4) page in size.

4. The Contract shall not become effective until the expiration of sixty (60) days following the date of publication of the Notice. If, under the provisions of Section 8b of Act 31, a sufficient petition for referendum on the question of whether the Contract should be effective is filed with the City Clerk within forty-five (45) days after publication of the Notice, then the Contract shall not become effective without City voter approval.

The City Council hereby determines that the Notice contains the information necessary to adequately inform the taxpayers and electors of the City of the nature of the proposed contractual obligation. The City Council hereby determines that the designated newspaper is the newspaper circulating in the City which reaches the largest number of persons to whom the Notice is directed, and that publication of the Notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the City of the financing of a portion of the Project.

5. The City Council hereby ratifies and confirms its intention to covenant in the Contract that the City will levy ad valorem taxes against all taxable property in the City to the extent necessary to meet the obligations of the City thereunder in the event revenues from other sources are insufficient for any reason whatsoever. Any such taxes levied to pay the Cash Rental under the Contract shall be limited as to rate or amount in the manner provided by law.

6. The City Council hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

1. The City reasonably expects to reimburse itself for a portion of the expenditures for the Project with proceeds of debt to be incurred by the City or by the Building Authority on behalf of the City.

2. The maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt

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issuance costs, is $3,300,000, which debt may be issued in one or more series.

3. A reimbursement allocation of the expenditures for the Project with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this Resolution.

4. The expenditures for the Project are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

5. No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (3) above.

6. Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this Resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

7. This declaration of intent is made to indicate the intent of the City only, and does not bind the City to acquire and construct any improvements or to issue any obligations of the City with respect thereto.

7. The Director of Finance or his duly authorized deputy are each authorized to request an order from the Department of Treasury of the State of Michigan ("State Treasury") providing an exception for the bonds from prior approval or an order from State Treasury of approval to issue bonds, to request any necessary waivers, to pay any related fee, and to execute and deliver any documents as may be required by State Treasury in connection with such order.

8. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

By Councilmember Allen

To table the resolution for thirty days pending receipt of information requested from the administration

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Lilly, Novak

NAYS: Councilmembers Jones, Leeman

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a _____ meeting held on _____, 1996, at _____ o'clock ____.m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present as said meeting _____

and that the following Members were absent _____

I further certify that Member _____ moved adoption of said resolution and that Member _____ supported said motion.

I further certify that the following Members voted for adoption of said resolution: _____ and that the following Members voted against adoption of said resolution: _____

_____

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City Clerk

NOTICE OF INTENTION OF ENTERING INTO LIMITED TAX-SUPPORTED CONTRACT OF LEASE AND OF RIGHT TO PETITION FOR REFERENDUM THEREON
SOUTHSIDE COMMUNITY CENTER
TO THE TAXPAYERS AND ELECTORS OF THE CITY OF LANSING, MICHIGAN:

PLEASE TAKE NOTICE that the City of Lansing intends to approve and execute a Full Faith and Credit Limited Tax General Obligation Contract of Lease with the City of Lansing Building Authority pursuant to Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Such Contract shall provide, among other things, that the Building Authority will acquire and construct a Southside Community Center at Washington Park and will issue its bonds in one or more series to finance a portion of the estimated cost of the project for the benefit of the City in an aggregate principal amount not to exceed three million three hundred thousand ($3,300,000) dollars. The bonds when issued will be payable in not to exceed 25 annual installments. The bonds will bear interest at a rate not exceeding the maximum rate per annum permitted by law.

The Contract further provides that the City will lease the Project from the Building Authority and will pay as rental to the Building Authority all sums necessary to retire the principal of and interest on the bonds, together with all costs of operating and maintaining the Project and all costs of the Building Authority in connection therewith, regardless of whether the Project is completed or tenantable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of City Charter, statutory and constitutional debt limitations, and the principal amount, together with the City's rental obligation for payment thereof, may be increased to cover increased costs of the Project.

CITY CONTRACT OBLIGATION

BY VIRTUE OF THE CONTRACT AND ACT 31, ALL OF THE CITY'S REQUIRED PAYMENTS TO THE BUILDING AUTHORITY WILL BE LIMITED TAX FULL FAITH AND CREDIT GENERAL OBLIGATIONS OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES, TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON, IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE, AND AS LIMITED BY LAW. HOWEVER, THE OBLIGATION TO LEVY TAXES IS LIMITED BY APPLICABLE CONSTITUTIONAL, CHARTER AND STATUTORY TAX RATE LIMITATIONS.

IN THE EVENT THAT A SUFFICIENT PETITION REQUIRING AN ELECTION WITH RESPECT TO THE CONTRACT IS FILED, AS DESCRIBED BELOW, AND THE CONTRACT IS APPROVED BY VOTE OF THE ELECTORS, THE OBLIGATION TO LEVY AD VALOREM TAXES TO PAY THE PART OF THE CITY'S RENTAL OBLIGATION THAT WILL BE USED TO PAY DEBT SERVICE ON THE BUILDING AUTHORITY'S BONDS SHALL BE WITHOUT LIMITATION AS TO RATE OR AMOUNT.

THE PROPOSED CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY, AS PERMITTED BY LAW, UPON THE EXPIRATION OF 60 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE, UNLESS A SUFFICIENT PETITION REQUESTING AN ELECTION ON THE QUESTION OF WHETHER SUCH CONTRACT SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN 45 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE. If a sufficient petition is filed, the Contract shall not take effect without an approving vote by a majority of electors of the City voting on the question.

This Notice is given pursuant to the requirements of Section 8(b) of Act 31. Further information concerning the details of the proposed Contract, the Project being financed, and the matters set out in this Notice may be secured from the City Clerk's office.

Marilynn Slade
Clerk, City of Lansing

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a Resolution Correcting a mistake in the FY 1996-97 Budget Resolution

HANDLED AS RESOLUTION #289

2. From Councilmember Beal; a Letter from the Capitol City Riverfest requesting a Donation of Funds to help with the Costs of the Bass Tub

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3. From Councilmember Beal; additional information regarding the use of Credit Cards by Local Units of Government

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4. From Councilmember Lilly; a draft agreement with the Greater Lansing Amateur Hockey Association for activities at Washington Park Ice

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Skating Rink

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SERVICES

PUBLIC COMMENTS

William Hubbell of W. Holmes Rd. protested the delay in construction of the Ground Transportation Center.

Chris Cotter of 2111 Harding spoke in opposition to the City of Lansing Home Ownership Residency Incentive Program that is proposed for City of Lansing Employees. The City proposes to spend $120,000 to give 20 people a break to buy houses in Lansing while there are hundreds of elderly low income people, on fixed incomes, who cannot afford to pay their Stormwater Enterprise Fund fees. He requested that the City institute a "Hardship Fee Waiver" for those people who just cannot afford to pay this fee and will have to make a choice between paying for their rain tax, or paying for their medication.

Robert Bennett of 222 W. Saginaw thanked the Public Service Department for the, Walnut Neighborhood Cleanup that was held last weekend. They got the entire neighborhood cleaned in 1½ hours. They went up and down every street and picked up mounds of trash.

Lloyd Teets of 116 E. Elm St. said that the Council took longer to debate the funding of the South Side Community Center (which he supports) than they took to debate the Baseball Stadium funding or the 1.4 million dollars that they donated to the Boys and Girls Club, or when they voted to renovate the Lansing Center. He said that he mistrusts the Lansing Building Authority.

COUNCILMEMBERS COMMENTS

Councilmember Bauer agreed with the speaker that said that Lansing is a "World Class City" because of the people who live in it. She thanked the participants of the Paint Blitz, the West Side Garden Club for the Tour and the Public Service Department for the Walnut Neighborhood Cleanup. She thanked Councilmember Allen for going above and beyond the call of duty to get the lease for the S. Cedar Branch of the Public Library extended. She reported receiving a lot of positive response to the resolution they passed last week reversing their previous decision on week night and Saturday metered parking. She congratulated and wished a Happy Birthday to her Grandmother, Effie Bauer who will turn 99 years old next week. She still lives alone and mows her own lawn. She announced that the District Library Town Hall Forum will be held in Council Chambers on Thursday, June 27, 1996 at 7:00 P.M. The meeting will be televised and will have call in capability. They will deal with issues surrounding the funding of a district library. She urged everyone to take part, the Committee needs public input on questions like, the possibility of funding through a millage and how much of a millage to levy.

Councilmember Beal said that she has heard that one of the delays of the Ground Transportation Center is that the City does not yet have clear title to the property and Federal money cannot be expended until this is cleaned up. She stated that she will be unable to attend the District Library Forum this Thursday, however, she reminded everyone that when Proposal A passed 1½ years ago, everyone got a significant decrease in their property taxes which created the shortfall in School District Budgets for funding of the public library.

Councilmember Allen proposed that, as the North Side Police Precinct Proposal was a dual referral to both the Committee on Ways and Means and the Committee on Public Safety, the two Committees hold a joint meeting for discussion of the project.

President Jones commended his colleagues. They are a dedicated group of City Councilmembers who are very conscientious in carrying out their duties. They are dedicated public servants trying to do their best for the citizens of Lansing.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener thanked the members of the West Side Garden Club for the great Garden Tour last weekend.

ADJOURNED 8:55 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JULY 1, 1996

CITY COUNCIL CHAMBERS
LANSING, MICHIGAN

THE CITY COUNCIL OF THE CITY OF LANSING MET IN REGULAR SESSION AND WAS CALLED TO ORDER AT 7:00 P.M. BY PRESIDENT JONES

PRESENT: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, LEEMAN, LILLY,

ABSENT: COUNCILMEMBER JONES

THE INVOCATION AND PLEDGE OF ALLEGIANCE WERE LED BY COUNCILMEMBER BENAVIDES

APPROVAL OF MINUTES

BY COUNCILMEMBER BENAVIDES

TO APPROVE THE PRINTED COUNCIL PROCEEDINGS OF AUGUST 21, AUGUST 28, AND SEPTEMBER 5, 1995, AND THE PRINTED COUNCIL PROCEEDINGS OF JUNE 24, 1996

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

BY COUNCILMEMBER ALLEN

TO ACCEPT THE FOLLOWING UNDER SUSPENSION OF THE RULES:

1. FROM COUNCILMEMBER ALLEN; A LETTER FROM THE FOREST VIEW CITIZENS ASSOCIATION REGARDING PROTESTING THE DELAY IN ADOPTION OF THE RESOLUTION APPROVING THE NOTICE OF INTENT TO ISSUE BONDS FOR THE SOUTH SIDE COMMUNITY CENTER

2. FROM COUNCILMEMBER LILLY; A LETTER FROM THE CITY ATTORNEY REGARDING THE BOARD OF WATER & LIGHT CONTRACT WITH THE MICHIGAN PUBLIC POWER AGENCY

3. FROM COUNCILMEMBER LILLY; A LETTER FROM BRUCE VAN HALL OF THE MOUNT HOPE CHURCH OFFERING THE SERVICES OF THEIR MISSIONS AND COMMUNITY MINISTRIES PROGRAM

4. FROM COUNCILMEMBER LILLY; A LETTER FROM THE MAYOR FORWARDING THE PLANNING BOARD RECOMMENDATION FOR ACT-16-96, 100 BLOCK OF JONES ST.

5. FROM COUNCILMEMBER NOVAK; A LETTER FROM MELISSA SWAN OF ADAMS OUTDOOR ADVERTISING REGARDING THE PROPOSED BILLBOARD MORATORIUM

5. FROM COUNCILMEMBER LEEMAN; A RESOLUTION AUTHORIZING ADDITIONAL FY 96-97 CARRY FORWARDS

6. FROM COUNCILMEMBER BENAVIDES; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADDITION OF A SPECIAL CEREMONY TO THE AGENDA

SPECIAL CEREMONIES

COUNCILMEMBERS BEAL AND BENAVIDES PRESENTED A CERTIFICATE OF RECOGNITION AND APPRECIATION TO CITY COUNCIL SENIOR LEGISLATIVE ASSISTANT, FRANCESCA KNOT, IN COMMEMORATION OF OVER 20 YEARS OF SERVICE TO THE CITY OF LANSING AND THE CITY COUNCIL.

PUBLIC COMMENT

MARK EGGLESTON OF 4001 HEATHGATE SPOKE IN SUPPORT OF THE SOUTH SIDE COMMUNITY CENTER BONDING RESOLUTION THAT WAS TABLED LAST WEEK AND ON AN ANONYMOUS LETTER RECEIVED BY HIMSELF, AND THE CITY CLERK, ALLEGING FRAUDULENT VOTING BY NON-RESIDENTS IN THE CITY OF LANSING ODD YEAR GENERAL ELECTION ON NOVEMBER 6, 1995.

MELISSA SWAN OF ADAMS OUTDOOR ADVERTISING, SPOKE IN OPPOSITION TO THE PROPOSED BILLBOARD MORATORIUM. HER AGENCY IS CONCERNED ABOUT THE AFFECT THIS WILL HAVE ON THEIR BUSINESS. COUNCIL, SHE SAID, DID NOT SOLICIT INPUT FROM THEM, OR FROM OTHER BILLBOARD ADVERTISING BUSINESSES. THEY HAD NO IDEA THERE WAS A PROBLEM WITH BILLBOARDS AND WOULD LIKE TO BE INVOLVED IN A SOLUTION TO THE PROBLEM. THE ANSWER, HOWEVER, IS NOT TO LEGISLATE THEM OUT OF BUSINESS.

ALEX BOLT OF 1230 REO RD. SPOKE REGARDING THE PILOT ORDINANCE FOR EDGEWOOD GLEN. HE SAID THAT COUNCIL SHOULD BE VERY CAREFUL IN MAKING DECISIONS LIKE THIS UNTIL AFTER THE COURT RENDERS AN OPINION OF THE STORMWATER ENTERPRISE FUND ORDINANCE LAWSUIT.

LLOYD TEETS OF 116 E. ELM ST. SAID THAT THE NUMBERS DO NOT ADD UP ON THE 6% SEWER RATE INCREASE.

HELEN FISER OF 12100 S. CORK IN MORRICE

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spoke in opposition to the 6% increase in sewer rates.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Benavides

Carried unanimously

A. Letter from Mark R. Eggleston, Sr. of 4001 Heathgate regarding claims of fraudulent voting in the November 1995 General Election

REFERRED TO THE CITY CLERK

B. Michigan Tax Tribunal Appeals received from:

-Harley Hotels, Inc.
-Coronado Gardens

REFERRED TO THE CITY ATTORNEY

C. Letter from State Senator, Dianne Byrum submitting the Breakdown of Revenue Sharing Payments for each Municipality in Ingham County

REFERRED TO THE MAYOR

D. Notice from the State of Michigan Public Service Commission of a Hearing for the Customers of Consumers Power Case #U10750R on July 12, 1996

RECEIVED AND PLACED ON FILE

E. Letter from Continental Cablevision submitting the name of a Primary Contact, Maureen Daugherty-Rosenbaum, Corporate Affairs Manager

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister announced the opening of the Shiawassee Street Bridge in a ceremony being held tonight. The replacement of the bridge was done on time and on budget.

He conveyed the thanks of Tom Schmidt, of the Great Lakes State Games, to the Public Services Department, the Police Department and the Parks and Recreation Department for their help with the Grand Opening Ceremony.

He announced a Sousa tribute by the Lansing Symphony Orchestra at Oldsmobile Park on July 4th, in accompaniment to Fireworks. Later that night the City of Lansing and Q-106 Radio Station will present the City of Lansing Fireworks in simulcast with a musical selection.

He reported that the Black Pastors Group is working with Habitats for Humanity and will begin a community project to rebuild churches that have been burned in the South (see Mayor's Letter XB-6). He has been asked to name someone from his administration to serve on the Planning Committee for this project and has named Dave Wiener to the appointment. He is hopeful that this project will help heal some of the pain of the Southern Communities. He thanked Council for moving forward on the funding of the South Side Community Center and urged Council to use caution in establishing a moratorium on billboards. He offered to have his office act as a mediator on this issue to help facilitate some type of understanding.

Councilmember Leeman questioned Mayor Hollister as to the status of the MUCC building, and whether the City would recover the cost of replacing the sidewalks in front of that building.

The Mayor responded that he expects an announcement regarding the completion of the project in the very near future.

Councilmember Allen questioned the Mayor regarding the status of the CATA Ground Transportation Center. She reported hearing that the hold up is an environmental issue. Mayor Hollister responded that there is no reason that this project cannot go forward, from the City's perspective. We have spent in excess of $1,000,000 on environmental cleanup of the property and it is ready for completion as far as the City is concerned.

Councilmember Beal noted that the report provided by the Administration on the City's existing bonding debt does not include the CSO Project bonds and the Parking System Bonds because they are different revenue streams.

CITY OFFICER & BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

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TRANSFER CLASS C: TAFA, INC.
VEHICLE FOR HIRE: CAPITOL TRANSPORT, LLC
LANSING LIMOUSINE SERVICE

WRECKER SERVICE: BILL'S HEAVY DUTY WRECKER SVC.
BUTCH'S TOWING

SECOND HAND DEALER: FUNCO, INC.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. LETTERS FROM THE MAYOR RE:

1/ REAPPOINTMENT OF GAYLE VALENTINE TO THE BOARD OF REVIEW FOR A TERM TO EXPIRE JUNE 30, 1999

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ REAPPOINTMENT OF ROBERT BROWN, JR. TO THE FIRE BOARD FOR A TERM TO EXPIRE JUNE 30, 2000

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3/ REAPPOINTMENT OF CONNIE MARIN TO THE FIRE BOARD FOR A TERM TO EXPIRE JUNE 30, 2000

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4/ REAPPOINTMENT OF ROBBYNE JONES TO THE BOARD OF REVIEW FOR A TERM TO EXPIRE JUNE 30, 1999

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ LETTER FROM TOM GAYLON, PRES., CEO OF GREATER LANSING CONVENTION & VISITORS BUREAU REGARDING AN ARTICLE ON LANSING

RECEIVED AND PLACED ON FILE

6/ LETTER FROM ELISE HARVEY REGARDING THE PEACE EDUCATION CENTER/REBUILDING OF BURNED CHURCHES PROJECT

REFERRED TO THE COMMITTEE OF THE WHOLE

7/ LETTER OF APPRECIATION FROM THE HEAR MY VOICE, LANSING CHAPTER

RECEIVED AND PLACED ON FILE

8/ PROPOSED SETTLEMENT, K & H SOUTH WASHINGTON, INC. FOR A RUBBLE CLAIM AT LOT 1, R.E. OLDS PLAT

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9/ NOTICE OF SELECTION OF NEW DIRECTOR OF OPERATIONS FOR THE LANSING ENTERTAINMENT & PUBLIC FACILITIES AUTHORITY

RECEIVED AND PLACED ON FILE

10/ TRANSFER OF FUNDS: LPD, PARKS & RECREATION

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

11/ ACT-13-96, 216 E. GRAND RIVER, ACQUISITION OF PROPERTY AND DEMOLITION OF BUILDING FOR EXPANSION OF BURCHARD PARK

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

12/ Z-07-96, 401 W. HOLMES RD.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

13/ Z-08-96, 500 W. SAGINAW ST.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

14/ LETTERS IN SUPPORT OF THE RECOMMENDED 6% SEWER RATE INCREASE

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

RESOLUTION #295
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE LOWER OF THE AMOUNT INDICATED OR THE UNEXPENDED BALANCE AT YEAR END FY 96 BE REAPPROPRIATED INTO FY 97 ADMINISTRATIVE ACCOUNTS, AS SHOWN.

GENERAL FUND

CITY COUNCIL

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BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 17,740	101-112110-977000-0 CHANNEL 28 EQUIPMENT	UNENCUMB. BALANCE
$ 39,230	101-112110-963001-0 CABLE GRANTS	UNENCUMB. BALANCE

(REAPPROPRIATION OF POLICY FUNDING.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 28,634	101-112101-741200-0 PROMOTIONS	UNENCUMB. BALANCE

(PROMOTIONAL NEEDS IN FY 97.)

AMOUNT TO TRANSFER	TRANSFER FROM FY 96 ACCT #	TRANSFER TO FY 97 ACCT #
$5,000	101-112101-741200-0 PROMOTIONS	101-112101-742000-0 SUPPLIES

(COUNCIL DETERMINATION DURING BUDGET WRAP-UP.)

INTERNAL AUDIT

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 4,967	101-112120-977000-0 EQUIPMENT	UNENCUMB. BALANCE
$ 5,269	101-112120-741000-0 MISC. & OPER. EXPENSE	UNENCUMB. BALANCE

(TWO NEW COMPUTERS, PRINTER, SCANNER, FILE CABINETS, SIDE CHAIRS AND A WORKSTATION.)

MAYOR'S OFFICE

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 25,000	101-172300-741874-0 KELLOGG HEALTH GRANT	UNENCUMB. BALANCE
$ 25,464	101-172300-963002-0 NEIGHBORHOOD GRANT PROGRAM	UNENCUMB. BALANCE

PLANNING AND NEIGHBORHOOD DEVELOPMENT

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 60,000	101-172620-960198-0 PLANNING-MAINSTREET FUNDING FOR "MAINSTREET" INITIATIVE.	UNENCUMB. BALANCE
$ 10,000	101-172620-991273-0 HISTORIC PRESERVATION GRANT	UNENCUMB. BALANCE

FINANCE

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 21,635	101-172730-741000-0 ASSESSOR-MISC. & OPER	$ 8,600
$ 37,266	101-172730-977000-0 ASSESSOR-EQUIPMENT	$26,200

NEW (APPRAISAL SYSTEM AND AUTOCAD MAPPING STATION.)

PERSONNEL

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 9,480	101-172800-707000-0 TEMPORARY HELP	UNENCUMB. BALANCE
$ 6,285	101-172800-743050-0 TEMPORARY HELP-CONTRACTUAL	UNENCUMB. BALANCE
$ 5,124	101-172800-708000-0 OVERTIME	UNENCUMB. BALANCE

(EXPENSES FOR AUTOMATION PROJECT, INCLUDING LEAVE TIME RECOVERY PROGRAM TESTING AND DUAL SYSTEM OPERATIONS DURING TEST PERIOD. ALSO, INCLUDES $6,000 WITHIN TEMPORARY HELP ACCOUNT FOR CONTINUATION OF PART-TIME HELP THROUGH SEPT. 6, 1996. SUCH HELP HAS BEEN USED TO ADDRESS A BACKLOG OF VACANCIES IN APPROVED POSITIONS, IN AGREEMENT WITH TEAMSTER LOCAL 580.)

MAYOR'S EXTENDED STAFF-COMPUTER & COMMUNICATIONS

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 75,000	101-173130-743000-0 PROFESSIONAL SERVICES	$75,000

(RFQP NEARLY COMPLETE FOR CITYWIDE NETWORK DESIGN.)

MAYOR'S EXTENDED STAFF-CENTRAL GARAGE

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 43,542	101-173150-746200-0 REPAIR AND MAINTENANCE	$36,000

(FUNDING FOR REPLACEMENT OF THREE HOISTS DELAYED PENDING CONSIDERATION OF GARAGE CONSOLIDATION.)

MAYOR'S EXTENDED STAFF-LABOR RELATIONS

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 27,829	101-173162-743000-0 PROFESSIONAL SERVICES	$3,800

(LEGAL WORK RELATED TO PENDING CASE.)

GENERAL ADMINISTRATION

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 14,667	101-173901-743000-0 PROFESSIONAL SERVICES	UNENCUMB. BALANCE

(INCOME TAX MODELING PROJECT THROUGH MSU.)

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BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 30,343	101-173901-747000-0 EDUCATION AND TRAINING	UNENCUMB. BALANCE

(FUNDING FOR SECOND PHASE OF FIRE DIVERSITY TRAINING. ALSO CONTINUATION OF COMPUTER TRAINING. AMOUNTS IN ADMINISTRATIVE SUBACCOUNTS WILL BE TRANSFERRED TO THIS ACCOUNT PRIOR TO YEAR END.

POLICE

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 894	101-343201-741879-0 DONATIONS-DARE	UNENCUMB. BALANCE
$ 1,124	101-343201-741880-0 DONATIONS-CONTRIBUTIONS	UNENCUMB. BALANCE
$ 82	101-343201-741892-0 DONATIONS-GUN BUY BACK	UNENCUMB. BALANCE
$ 267	101-343201-741893-0 DONATIONS-GUN BUY-BACK MISC	UNENCUMB. BALANCE

(REAPPROPRIATION OF CONTRIBUTED FUNDS.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
	101-343252-741000-00014 NEIGH. GRANTS	UNENCUMB. BALANCE
	101-343252-741000-00016 NEIGH. GRANTS	UNENCUMB. BALANCE

(FUNDS FOR SUMMER EXPENSES OF AIDES TO COMMUNITY POLICING OFFICERS.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 99,957	101-343251-991273-0 OPER. TRANSFERS	$58,464

(LAW ENFORCEMENT BLOCK GRANT)

FIRE DEPARTMENT

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 898	101-343501-741880-0 DONATIONS/CONTRIBUTIONS	UNENCUMB. BALANCE
$ 500	101-343501-741890-0 LOCAL EMERGENCY PLANNING	UNENCUMB. BALANCE
$ 2,650	101-343530-741880-0 DONATIONS-SMOKE DETECTORS	UNENCUMB. BALANCE

(REAPPROPRIATION OF DONATED FUNDS.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 35,498	101-343501-741890-0 SOFTWARE	UNENCUMB. BALANCE

(MICHIGAN FIRE INCIDENT REPORTING SYSTEM AND EMERGENCY SERVICE MAPPING SOFTWARE.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 3,687	101-343501-741000-0 MISC. & OPER	$1,775
$ 7,158	101-343501-977000-0 EQUIPMENT	$5,945

COMPUTER/NETWORK FOR FIRE ADMIN. OFFICES WHICH CANNOT BE PURCHASED PRIOR TO JUNE 30.)

PUBLIC SERVICE

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 66,427	101-173612-746401-0 SCHEDULED MAINT.	$29,950

(OVERHAUL OF VACUUM PUMP, REBUILDING OF LOUVER MOTORS, LIGHTING GRATES IN INCOME TAX OFFICE, CIRCUIT COURT LIGHTING IMPROVEMENTS, BLOCKING OF WINDOWS IN #1 STATION, AND DISTRICT, REPLACEMENT OF OVERHEAD DOORS IN #2 STATION, DISTRICT COURT CEILING TILE REPLACEMENT WILL NOT BE COMPLETED IN FY 96. SOME PROJECT ACTIVITY DEFERRED PENDING ENERGY MANAGEMENT STUDY.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 4,938	101-173612-746300-0 PROJECT MAINTENANCE	$4,938

(FURNACE REPLACEMENT OF 107 E. WILLOW WILL NOT BE COMPLETED IN CURRENT FISCAL YEAR.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 60	101-453603-741871-0 DONATIONS-EMPLOYEE RECOGNITION	UNENCUMB. BALANCE

(REAPPROPRIATION OF DONATED FUNDS.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
8	101-173612-741873-0 DONATIONS-LOBBY PLANTERS	UNENCUMB. BALANCE

(REAPPROPRIATION OF DONATED FUNDS.)

PARKS AND RECREATION

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 1,030	101-783810-741880-0 DONATIONS/CONTRIBUTIONS	UNENCUMB. BALANCE
$ 11,637	101-783833-707000-90001 TEMP. HELP-LYRF DONATIONS	UNENCUMB. BALANCE
$ 650	101-783833-741000-90001 MISC & OPER.-LYRF DONATIONS	UNENCUMB. BALANCE

(REAPPROPRIATION OF DONATED FUNDS.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 44,105	101-783833-741850-0 SPECIAL PROGRAMS	UNENCUMB. BALANCE

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(Reappropriation of funding under Resolution #084 & 242 for Sr. Challenge and summer neighborhood programs.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 5,000	101-783833-741875 Lugnuts Clinic Grant	Unencumb. Balance

HUMAN SERVICE AGENCIES

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 15,695	101-833960-960094-0 Rent Deposit Program	Unencumb. Balance

(Appropriation represents potential liabilities for rent deposits under Housing Resource Center Program)

NON-GENERAL FUND

STORMWATER FUND

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$249,800	230-453684-973101-00000 City Sewers-CSO	$249 800

(Delayed bidding of Tollgate Drain Project by Drain Commissioner.)

ACT 51 MAJOR STREETS

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$87,239	202-933601-974100-12001 Trunkline Impr	Unencumb. Balance

(City required to fund 12.5% of MDOT trunkline projects.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$521,307	202-453601-974100-50002 Major Maint.	Unencumb. Balance

Three contracts bid to expend funds. May not be completed prior to year end. Funds include inspection and O & M charges for program.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 6,672	202-453601-974100-50003 Clippert Street	Unencumb. Balance

(Project in construction phase. Funds needed to pay any contingent costs.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$100,000	202-453631-743700-50003 Elm Street Bridge	Unencumb. Balance
$100,000	202-453602-974100-50004 Martin Luther King, Jr, Bl.	Unencumb. Balance

(Project currently in RFP phase. Council has approved City application for "Critical Bridge" funds.)

ACT 51 LOCAL STREETS

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 10,912	203-453601-974100-50004 Major Maint.-Local Streets	Unencumb. Balance
$ 72,414	203-933601-974100-12005 Major maint.-Local Streets	Unencumb. Balance

(Funds may not be expended prior to year end for road improvement program.)

BASEBALL FUND

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$115,000	234-173903-741000-0 Misc. & Oper Expenses	Unencumb. Balance

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$154,577	234-173903-982000-0 Interest Expense	Unencumb. Balance
$300,000	234-933992-970000-43804 Construction	Unencumb. Balance

(Baseball expenses estimated a per game basis for FY 96 and FY 97. Reappropriation provides for actual expenditure rates, and project close out.)

POTTER PARK ZOO

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 3,821	509-783835-970000-0 Potter Park Capital Impr	Unencumb. Balance

(Reappropriation of parking fee policy money.)

CEMETERY FUND

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 10,000	516-173842-746000-0 Repair & Maint	$10,000

(Cemetery road repairs.)

PARKING FUND

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$584,290	585-453647-746101-0 N. Grand Major Maint.	Unencumb. Balance

(Funding for office area renovations.)

WASTEWATER FUND

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$166,922	590-453670-973000-0 Contractual Services	$143,000

(Supervisory Control and Data Acquisition (SCADA) system evaluation. Operational Study, Odor emission study.)

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BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$394,039	590-453670-746100-0 BUILDING MAINTENANCE	$340,000

(TERTIARY BUILDING REPAIRS, ROOF REPAIRS.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$11,070	590-453670-977000-0 EQUIPMENT	$125,000

(INFRARED THERMAL IMAGER AND TWELVE STATIONARY AIR MONITORS.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$215,649	590-453670-977008-0 EQUIPMENT REPLACEMENT	$121,200

(TERTIARY BUILDING HEATERS AND ATOMIC ABSORPTION SPECTROPHOTOMETER.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
	590-453671-977000-00000 PUMP STATION EQUIPMENT	$6,100

(FENCE INSTALLATION AT FAYETTE PUMP STATION)

AMOUNT TO TRANSFER	TRANSFER FROM FY-96 ACCT #	TRANSFER TO FY-97 ACCT #
($400,000)	590-453670-973000-20100 CITY SHARE SANITARY (EMER. RES. TO SEWER FAILURES.)	590-933610-973000-20100 CITY SHARE-SANITARY

(FUNDING FOR EMERGENCY RESPONSE TO SEWER FAILURES)

AMOUNT TO TRANSFER	TRANSFER FROM FY-96 ACCT #	TRANSFER TO FY-97 ACCT #
($294,800)	590-453670-973000-20118 Sew. Fund-CSO	
$294,800		590-933610-973000-20118 SEWAGE FUND-CSO

(TOLLGATE DRAIN PROJECT DELAY IN CSO PROGRAM. FUNDING FOR SRF INELIGIBLE COSTS.)

AMOUNT TO TRANSFER	TRANSFER FROM FY-96 ACCT #	TRANSFER TO FY-97 ACCT #
($171,410)	590-453670-973000-20125INFILTRATION/INFLOW-PUBLIC	
$171,410		590-933610-973000-20125 INFILTRATION/INFLOW PUBLIC

(COSTS FOR REMEDIATION OF INFLOW AND INFILTRATION FROM PUBLIC LANDS.)

AMOUNT TO TRANSFER	TRANSFER FROM FY-96 ACCT #	TRANSFER TO FY-97 ACCT #
($19,700)	590-453670-974000-20122 GRIT BUILDING DOORS	
$19,700		590-933610-974000-30122 GRIT BUILDING DOORS

(ORIGINAL BID HIGHER THAN ANTICIPATED. DEPARTMENT CONSIDERING ALTERNATIVES.)

AMOUNT TO TRANSFER	TRANSFER FROM FY-96 ACCT #	TRANSFER TO FY-97 ACCT #
($180,000)	590-453670-975000-20126 STORAGE BUILDING-SLUDGE	
$180,000		590-933610-975000-20126 STORAGE BUILDING-SLUDGE

(PROJECT HAS NOT PROCEEDED DUE TO STAFF SHORTAGES.)

AMOUNT TO TRANSFER	TRANSFER FROM FY-96 ACCT #	TRANSFER TO FY-97 ACCT #
$99,849	590-453670-975000-20129 TERTIARY BUILDING REPAIRS	590-933610-975000-20129 TERTIARY BUILDING REPAIRS
($485,000)	590-453670-977000-20128 TERTIARY FILTER CONTROLS	
$485,000		590-933610-977000-20128 TERTIARY FILTER CONTROLS

(PROJECT DEFERRED PENDING SCADA PROJECT.)

ENCUMBRANCES FOR EXISTING SEWAGE FUND CAPITAL PROJECTS INTO ACCOUNTS WITH THE "933610" COST CENTER TO FACILITATE BETTER MANAGEMENT AND CONTROL OF THESE FUNDS. BE IT FURTHER RESOLVED THAT THE ADMINISTRATION IS AUTHORIZED TO CARRYFORWARD EXISTING PURCHASE ORDERS, CONTRACTS AND

SERVICE GARAGE FUND

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$74,500	640-453624-978000-0 VEHICLES	$21,418

(PURCHASE OF BUDGETED 6" TRAILER MOUNTED PUMP AND 3" PUMP WILL NOT BE COMPLETED IN FY 96.)

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$79,824	640-453624-746100-0 BUILDING MAINT	$40,000

(BUDGETED REPLACEMENT OF OVERHEAD DOORS AND REMODELING OF FOREMAN'S ROOM AND BREAK ROOM WILL NOT BE COMPLETED IN FY 96.)

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DISTRICT COURT

BALANCE AS OF 6/12/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 48,747	760-132201-977000-0 EQUIPMENT	UNENCUMB. BALANCE
$ 8,758	760-132201-747000-0 CONFERENCES AND TRAINING	UNENCUMB. BALANCE
$ 41,579	760-132201-742000-0 SUPPLIES	$ 6,000
$ 11,645	760-132201-741000-0 MISC. & OPER	$ 2,000

(FUNDS BUDGETED FOR COMPUTER NETWORK EQUIPMENT AND REPLACEMENT OF WORK STATIONS IN THE CRIMINAL SECTION.)

AMOUNT TO TRANSFER	TRANSFER FROM FY-96 ACCT #	TRANSFER TO FY-97 ACCT #
($25,000)	760-132201-743100-0 COLLECTIONS	
$25,000		760-132201-977000-0 EQUIPMENT

(ESTIMATE OF COSTS FOR NETWORK SYSTEM TO BE COMPATIBLE AND COMMUNICATE WITH PROSECUTOR, JAIL, CIRCUIT & DISTRICT COURT, PROBATE, ETC.)

BE IT FURTHER RESOLVED THAT UNENCUMBERED BALANCES AT JUNE 30, 1996 WITHIN THE HUMAN SERVICE AGENCY APPROPRIATIONS CONTAINED IN COST CENTERS "833715", "833720", 833730, AS WELL AS ACCOUNT 101-833710-741-0 BE REAPPROPRIATED IN FY 97 INTO THE HUMAN SERVICES DISCRETIONARY ACCOUNT, AND

BE IT FURTHER RESOLVED THAT THE BALANCE WITHIN THE HUMAN SERVICE DISCRETIONARY ACCOUNT BE CARRIED FORWARD INTO FY 97 IN THE DISCRETIONARY ACCOUNT, AND

BE IT FINALLY RESOLVED THAT AMOUNTS EQUAL TO OUTSTANDING ENCUMBRANCES AT JUNE 30, 1996 WITHIN ALL FUNDS BE REAPPROPRIATED IN FY 97 WITHIN THE SAME ACCOUNTS UNLESS OTHERWISE PROVIDED.

BY COUNCILMEMBER LEEMAN

CARRIED UNANIMOUSLY

RESOLUTION #296

BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$53,000	FIRE-EQUIPMENT RENTAL 101-343520-745200-0	FIRE DEPARTMENT-CONTROL 101-343501-992200-0
$53,000	FIRE DEPARTMENT-CONTROL 101-343501-992200-0	NFRASTRUCTURE-CONTROL 101-933901-992200-0
$53,000	INFRASTRUCTURE-CONTROL 101-933901-992200-0	OPER. TRANS.-410 FUND 101-933901-991410-0
$53,000	EST. REVENUE-INFRASTRUCTURE 410-0-170001-0	FIRE APPARATUS REPLACEMENT 410-933590-977000-43832

(ANNUAL OPERATING TRANSFER OF REPLACEMENT APPARATUS FUNDS FOR FUTURE FIRE DEPARTMENT EQUIPMENT REPLACEMENT. REVENUE DETAIL ACCOUNT 410-0-696101-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$67,000	ACT 51-MAJORMAINT. -MAJOR STREETS 202-453601-974100-50002	ACT 51-SHIAWASSEE BRIDGE-CONSTR. 202-453631-974100-50001

(PAYMENT OF CITY SHARE OF CRITICAL BRIDGE FUNDING (5%). FUNDS ORIGINALLY BUDGETED, BUT LAPSED AT YEAR END FY 95. NEEDED TO PAY OUTSTANDING INVOICE.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$21,000	GENERAL ADMIN.-FRINGE BENEFITS 101-173901-715000-0	GENERAL ADMIN.-CONTROL 101-173901-992200-0
$21,000	GENERAL ADMIN.-CONTROL 101-173901-992200-0	PARKS & RECR.-CONTROL 101-783860-992200-0
$21,000	PARKS & RECR. CONTROL 101-783869-992200-0	RECR. ADMIN.-MISC. & OPER. 101-783830-741000-0

(EXPENSES FOR COMMUNITY SERVICES GUIDE AS SHARED EXPENSE WITH LANSING SCHOOL DISTRICT.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,000	CITY COUNCIL-PROMOTIONS 101-112101-741200-0	CITY COUNCIL-CONTROL 101-112101-992200-0
$1,000	CITY COUNCIL-CONTROL 101-112101-992200-0	CITY SUPP. AGENCIES-CONTROL 101-834101-992200-0
$1,000	CITY SUPPORTED AGENCIES-CONTROL 101-834101-992200-0	RIVERFEST COMMITTEE 101-834101-860212-0

(CONTRACT TO INCLUDE THE "BASS TANK" IN

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Riverfest activities. funds to be carried forward into FY 97 if unencumbered at June 30, 1996.)

By Councilmember Leeman

Carried unanimously

RESOLUTION #297
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Public Act 266 of 1995 permits local governments to use credit cards, and

WHEREAS, the Act requires that the governing body of a local unit adopt a written policy before July 8, 1996 that includes requirements specified in the Act,

NOW, THEREFORE BE IT RESOLVED the Lansing City Council hereby adopts the following policy:

1. The City Controller is responsible for the issuance, accounting, monitoring and retrieval of credit cards and generally for overseeing compliance with the credit card policy.

2. Credit cards may be used only by an officer or employee for the purchase of goods or services for the official business of the City.

3. The officer or employee using the credit card is responsible for its protection and custody and shall immediately notify the local unit if the card is lost or stolen.

4. An officer or employee issued a credit card shall return the credit card upon termination of his or her employment or service in office with the City.

5. The officer or employee using credit cards issued by the City shall submit to the City Controller documentation detailing the goods or services purchased, the cost of the goods or services, the date of the purchase and the official business for which purchased.

6. The system of internal accounting controls to monitor the use of credit cards issued by the City shall be the same as for all City purchases. Approval of credit card invoices must be made by the City Controller before payment.

7. The balance including interest due on an extension of credit under the credit card arrangement shall be paid for not more than 60 days of the initial statement date. The City shall comply with this provision of the credit card policy.

8. Unauthorized use of credit cards by an employee or officer of the City will result in disciplinary action consistent with the law, labor contracts and personnel rules.

By Councilmember Leeman

Carried unanimously

RESOLUTION #298
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Public Act 280 of 1995 permits local governments to accept financial transaction devices that include credit cards, debit cards and electronic transfer cards for payments due to the local governments, and

WHEREAS, the Act requires that the governing body of a local unit adopt a resolution authorizing the acceptance of payments by financial transaction devices.

NOW, THEREFORE BE IT RESOLVED the Lansing City Council hereby adopts the following policy:

1. The City Treasurer and City Controller are responsible for determining the types of financial transaction devices that may be accepted.

2. The determination of the financial transaction devices that may be accepted shall comply with any resolution for the deposit of public money under section 2 of Act No. 40 of the Public Acts of the First Extra Session of 1932, being section 129.12 of the Michigan Compiled Laws, applicable to the City.

3. Payments by financial transaction devices will not be accepted for property taxes, income taxes, special assessments or any other fees except the following:

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A. Payments to the 54A District Court
B. Payments to the Municipal Parking System
C. Payments to the Parks & Recreation Department for recreation program registrations.

By Councilmember Leeman

Carried unanimously

RESOLUTION #299
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
TELECOMMUNICATIONS PERMIT FOR
BROOKS FIBER COMMUNICATIONS OF MICHIGAN

WHEREAS, the City of Lansing has adopted the Telecommunication Ordinance, Chapter 811, of the Code of ordinance and;

WHEREAS, Brooks Fiber Communications of Michigan, Inc. has applied for a permit to construct and operate a Telecommunication System in accordance with Chapter 811 of Part 8 of the Code of Ordinances of the City of Lansing and;

WHEREAS, Brooks Fiber Communications of Michigan, Inc. has submitted the $1500 application fee and;

WHEREAS, the Public Service Department and the City Attorney's Office have reviewed the permit application and determined that the requirements of Chapter 811 for a permit application have been met by Brooks Fiber Communications of Michigan, Inc. and;

WHEREAS, Paragraph 811.13 Consideration for Permit, sub-paragraph 811.13 (d) of the Telecommunication ordinance requires an annual maintenance fee which shall be determined at the time of the award of the original permit by the Council and;

WHEREAS, the Public Service Department has determined the costs associated with the annual maintenance fee to be $1,200 (one thousand, two hundred dollars);

NOW THEREFORE BE IT RESOLVED that an annual maintenance fee of $1,200 for the Telecommunications Permit for Brooks Fiber Communications of Michigan, Inc. be established.

By Councilmember Leeman

Carried unanimously

RESOLUTION #300
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
TELECOMMUNICATIONS PERMIT FOR
LANSING CELLULAR TELEPHONE COMPANY

WHEREAS, the City of Lansing has adopted the Telecommunication Ordinance, Chapter 811, of the Code of Ordinance and;

WHEREAS, Lansing Cellular Telephone Company has applied for a permit to construct and operate a Telecommunication System in accordance with Chapter 811 of Part 8 of the Code of Ordinances of the City of Lansing and;

WHEREAS, Lansing Cellular Telephone Company has submitted the $1500 application fee and;

WHEREAS, the Public Service Department and the City Attorney's Office have reviewed the permit application and determined that the requirements of Chapter 811 for a permit application have been met by Lansing Cellular Telephone Company and;

WHEREAS, Paragraph 811.13 Consideration for Permit, sub-paragraph 811.13 (d) of the Telecommunication Ordinance requires an annual maintenance fee which shall be determined at the time of the award of the original permit by the Council and;

WHEREAS, the Public Service Department has determined the costs associated with the annual maintenance fee to be $1,200 (one thousand, two hundred dollars);

NOW THEREFORE BE IT RESOLVED that an annual maintenance fee of $1,200 for the Telecommunications Permit for Lansing Cellular Telephone Company be established.

By Councilmember Leeman

Carried unanimously

RESOLUTION #301
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
TELECOMMUNICATIONS PERMIT FOR
CENTURY CELLUNET OF LANSING

WHEREAS" the City of Lansing has adopted the Telecommunication Ordinance, Chapter 811, of the Code of Ordinance and;

WHEREAS, Century Cellunet of Lansing, Inc. has applied for a permit to construct and operate a Telecommunication System in accordance with Chapter 811 of Part 8 of the Code of Ordinances of the City of Lansing and;

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WHEREAS, Century Cellunet of Lansing, Inc. has submitted the $1500 application fee and;

WHEREAS, the Public Service Department and the City Attorney's office have reviewed the permit application and determined that the requirements of Chapter 811 for a permit application have been met by Century Cellunet of Lansing, Inc. and;

WHEREAS, Paragraph 811.13 Consideration for Permit, sub-paragraph 811.13 (d) of the Telecommunication Ordinance requires an annual maintenance fee which shall be determined at the time of the award of the original permit by the Council and;

WHEREAS, the Public Service Department has determined the costs associated with the annual maintenance fee to be $1,200 (one thousand, two hundred dollars);

NOW THEREFORE BE IT RESOLVED that an annual maintenance fee of $1,200 for the Telecommunications Permit for Century Cellunet of Lansing, Inc be established.

By Councilmember Leeman

Carried unanimously

RESOLUTION #302
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
TELECOMMUNICATIONS PERMIT FOR
CONTINENTAL CABLEVISION, INC.

WHEREAS, the City of Lansing has adopted the Telecommunication Ordinance, Chapter 811, of the Code of ordinance and;

WHEREAS, Continental Cablevision, Inc. has applied for a permit to construct and operate a Telecommunication System in accordance with Chapter 811 of Part 8 of the Code of Ordinances of the City of Lansing and;

WHEREAS, Continental Cablevision, Inc. has submitted the $1500 application fee and;

WHEREAS, the Public Service Department and the City Attorney's office have reviewed the permit application and determined that the requirements of Chapter 811 for a permit application have been met by Continental Cablevision, Inc. and;

WHEREAS, Paragraph 811.13 Consideration for Permit, sub-paragraph 811.13 (d) of the Telecommunication ordinance requires an annual maintenance fee which shall be determined at the time of the award of the original permit by the Council and;

WHEREAS, the Public Service Department has determined the costs associated with the annual maintenance fee to be $1,200 (one thousand, two hundred dollars);

NOW THEREFORE BE IT RESOLVED that an annual maintenance fee of $1,200 for the Telecommunications Permit for Continental Cablevision, Inc. be established.

By Councilmember Leeman

Carried unanimously

RESOLUTION #303
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing School District has extended its current lease for the South Cedar Branch Library; and

WHEREAS, upon expiration of the lease the branch library must either be moved or closed;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby requests the Administration in cooperation with Ingham County to investigate alternative locations on the south end of Lansing for possible interim relocation of the South Cedar Branch library.

By Councilmember Leeman

Carried unanimously

RESOLUTION #304
BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non-profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles,

NOW, THEREFORE, BE IT RESOLVED the Lansing

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City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communications dated June 25, 1996, to Moore Living Centers; and

BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies by June 10, 1996, may be disposed of by the Quartermaster in a manner consistent with State law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #305
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Huapei, Incorporated (stockholder: Yi Sheng Wang, 1429 Cedarhill, East Lansing), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1994 Class C licensed business, currently in escrow, from Nappy Enterprises, Inc., and to transfer location of the license from 6031 South Pennsylvania to 401 East Mt. Hope; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Chairperson of the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Huapei, Incorporated, to transfer ownership of a 1994 Class C licensed business, currently in escrow, from Nappy Enterprises, Inc., and to transfer location of the license from 6031 South Pennsylvania to 401 East Mt. Hope, is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

RESOLUTION #306
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for City licenses and permits, which have been routinely processed without objection and are ready for final action by this Council;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

SECOND HAND DEALER'S LICENSE:

Marvin Edward Goldstein, dba Good Deals Associates, at 1406 West Saginaw; Stephen John Shaver, dba Action Discount, at 112 N. Larch; Drake Clyde Serges, dba Capitol Discount and Second Hand Store, Inc., at 5724 S. Martin Luther King Blvd., at 1023 S. Washington, and at 2720 N. East St.; Stanley Russell Werbin, dba Elderly Instruments, Inc., at 1100 N. Washington

WASTE HAULER LICENSE:

Lansing Lawn & Snow, Inc., 8175 Millett Hwy.

PEDDLER/TRANSIENT MERCHANT LICENSE:

Bobby D. Trejo, to sell plants at 3301 E. Michigan Ave.

CLASS A WRECKER SERVICE LICENSE:

Duane's Shell, Inc., 3493 Lake Lansing, East Lansing; Gary Stowe, dba Mac's All Car Service, Inc. (Stowe Brothers), 1800 Glenrose; Shroyer's & Central Towing, Inc., 613 Poxson

CLASS B WRECKER SERVICE LICENSE:

Jack Woodward, dba Jack's Automotive Center, 1127 N. Cedar; Kim & Doug Morgan, dba K&D Towing, 124 Lansing, Eaton Rapids; David S. Hidy, dba Hidy's Towing & Snowplowing, Inc., 6843 E. Mt. Hope Hwy, Grand Ledge; O'Donnell's Repair, Inc., 1425 Rensen St.

By Councilmember Benavides

Carried unanimously

THIS RESOLUTION WAS DEFEATED
BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council is concerned with the increasing proliferation of billboards within the City of Lansing; and

WHEREAS, the Council is concerned because this increasing proliferation has an impact on traffic safety, aesthetics and the health and

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WELFARE OF RESIDENTS IN OUR COMMUNITY; AND

WHEREAS, THE COUNCIL WISHES THAT A REVIEW AND STUDY OF THE CITY'S EXISTING BILLBOARD REGULATION BE UNDERTAKEN IN ORDER TO ASCERTAIN WAYS IN WHICH THESE TRAFFIC SAFETY AND AESTHETICS CONCERNS CAN BE ADDRESSED; AND

WHEREAS, THE COUNCIL REQUESTS THAT THE CITY ADMINISTRATION UNDERTAKE SUCH A STUDY IN CONJUNCTION WITH THE COUNCIL'S PLANNING AND DEVELOPMENT COMMITTEE; AND

WHEREAS, THE COUNCIL DESIRES THAT THERE BE OBSERVED DURING THIS PERIOD OF REVIEW, A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE ERECTION, RE-ERECTION, CONSTRUCTION, INSTALLATION, ENLARGEMENT OR RELOCATION OF BILLBOARDS;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL REQUESTS THAT THE PLANNING AND DEVELOPMENT COMMITTEE AND THE ADMINISTRATION REVIEW THE INCREASING PROLIFERATION OF BILLBOARDS IN THE CITY, DUE TO CONCERNS FOR TRAFFIC SAFETY, AESTHETICS CONSIDERATIONS AND THE HEALTH AND WELFARE OF RESIDENTS; AND

BE IT FURTHER RESOLVED THAT THIS REVIEW SHALL INCLUDE A REVIEW OF BILLBOARD REGULATIONS IN OTHER CITIES; AND

BE IT FURTHER RESOLVED FROM AND AFTER THE ADOPTION OF THIS RESOLUTION AND FOR A PERIOD OF 120 DAYS, THERE SHALL BE A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE ERECTION, RE-ERECTION, CONSTRUCTION, INSTALLATION, ENLARGEMENT OR RELOCATION OF BILLBOARDS; AND

BE IT FINALLY RESOLVED THAT THE PLANNING AND DEVELOPMENT COMMITTEE AND THE CITY ADMINISTRATION IS REQUESTED TO PRESENT ANY RECOMMENDATIONS FOR CHANGES OR ALTERATIONS TO THE CITY'S EXISTING BILLBOARD REGULATION, IF ANY, ON OR BEFORE THE EXPIRATION OF THE AFORESAID 120 DAY MORATORIUM.

BY COUNCILMEMBER NOVAK

TO AMEND THE RESOLUTION IN THE LAST TWO PARAGRAPHS TO ACCEPT LANGUAGE RECOMMENDED BY THE CITY ATTORNEY AS FOLLOWS:

"BE IT FURTHER RESOLVED THAT IT IS COUNCIL'S INTENT THAT FROM AND AFTER THE ADOPTION OF AN IMPLEMENTING ORDINANCE AND FOR A PERIOD OF 360 DAYS, THERE SHALL BE A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE ERECTION, RE-ERECTION, CONSTRUCTION, INSTALLATION, ENLARGEMENT OR RELOCATION OF BILLBOARDS, AND THE ADMINISTRATION IS REQUESTED TO REFRAIN FROM ISSUING SUCH PERMITS UNTIL THE IMPLEMENTING MORATORIUM ORDINANCE IS EFFECTIVE; AND,

BE IT FINALLY RESOLVED THAT THE PLANNING AND DEVELOPMENT COMMITTEE AND THE CITY ADMINISTRATION IS REQUESTED TO PRESENT ANY RECOMMENDATIONS FOR CHANGES OR ALTERATIONS TO THE CITY'S EXISTING BILLBOARD REGULATION, IF ANY, ON OR BEFORE THE EXPIRATION OF THE AFORESAID 360 DAY MORATORIUM."

BY COUNCILMEMBER NOVAK

TO ACCEPT A FRIENDLY AMENDMENT PROPOSED BY COUNCILMEMBER LEEMAN TO AMEND THE LANGUAGE RECOMMENDED BY THE CITY ATTORNEY TO LIMIT THE LENGTH OF THE MORATORIUM TO 180 DAYS, AND TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION CONTAINING THE AMENDMENTS FROM THE CITY ATTORNEY AND THE FRIENDLY AMENDMENT PROPOSED BY COUNCILMEMBER LEEMAN

BY COUNCILMEMBER NOVAK

TO SUSPEND THE RULES TO ALLOW A MEMBER OF THE AUDIENCE TO COMMENT REGARDING THE PASSAGE OF THIS RESOLUTION

MOTION DEFEATED BY THE FOLLOWING VOTE:

YEAS: 1

NAYS: 7

COUNCILMEMBER NOVAK'S MOTION FOR AFFIRMATIVE ROLL WAS:

DEFEATED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS BAUER, LEEMAN, NOVAK

NAYS: COUNCILMEMBERS ALLEN, BEAL, BENAVIDES, LILLY

RESOLUTION #307
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE LOWER OF THE AMOUNT INDICATED OR THE UNEXPENDED BALANCE AT YEAR END FY 96 BE REAPPROPRIATED INTO FY 97 ADMINISTRATIVE ACCOUNTS, AS SHOWN.

GENERAL FUND

FIRE DEPARTMENT/CITY COUNCIL

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AMOUNT TO TRANSFER	TRANSFER FROM FY-96 ACCT #	TRANSFER TO FY-97 ACCT #
($23,000)	101-343520-702000-0 FIRE DEPT.-SUPPRESSION SALARIES	
$23,000		101-112101-977000-0 CITY COUNCIL-EQUIPMENT

PURCHASE AND INSTALLATION OF PERSONAL COMPUTERS, RELATED SOFTWARE, AND OTHER EQUIPMENT, AND COMPUTER NETWORK INSTALLATION TO SERVE 10TH FLOOR/ CITY COUNCIL.)

BY COUNCILMEMBER LEEMAN

CARRIED UNANIMOUSLY

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 888,
BY ADDING A NEW SECTION, 888.10
P.I.L.O.T. EDGEWOOD GLEN

BY COUNCILMEMBER BEAL:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION, SECTION 888.10, FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT OF A SERVICE CHARGE IN LIEU OF TAXES FOR A PROJECT KNOWN AS EDGEWOOD GLEN, WAS INTRODUCED BY COUNCILMEMBER BEAL AND REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

RESOLUTION #308
RESOLUTION SETTING PUBLIC HEARING

BY COUNCILMEMBER BEAL:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, JULY 15, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION, SECTION 888.10 FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT OF A SERVICE CHARGE IN LIEU OF TAXES FOR A PROJECT KNOWN AS EDGEWOOD GLEN

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER ALLEN; A LETTER FROM THE FOREST VIEW CITIZENS ASSOCIATION PROTESTING THE DELAY IN ADOPTION OF THE RESOLUTION APPROVING THE NOTICE OF INTENT TO ISSUE BONDS FOR THE SOUTH SIDE COMMUNITY CENTER

REFERRED TO THE MAYOR

2. FROM COUNCILMEMBER LILLY; A LETTER FROM THE CITY ATTORNEY REGARDING THE BOARD OF WATER & LIGHT CONTRACT WITH THE MICHIGAN PUBLIC POWER AGENCY

REFERRED TO THE COMMITTEE OF THE WHOLE

3. FROM COUNCILMEMBER LILLY; A LETTER FROM BRUCE VAN HALL OF THE MOUNT HOPE CHURCH OFFERING THE SERVICES OF THEIR MISSIONS AND COMMUNITY MINISTRIES PROGRAM

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4. FROM COUNCILMEMBER LILLY; A LETTER FROM THE MAYOR FORWARDING THE PLANNING BOARD RECOMMENDATION FOR ACT-16-96, 100 BLOCK OF JONES ST.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5. FROM COUNCILMEMBER NOVAK; A LETTER FROM MELISSA SWAN OF ADAMS OUTDOOR ADVERTISING REGARDING THE PROPOSED BILLBOARD MORATORIUM

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6. FROM COUNCILMEMBER LEEMAN; A RESOLUTION AUTHORIZING ADDITIONAL FY 96-97 CARRY FORWARDS

HANDLED AS RESOLUTION #307

6. FROM COUNCILMEMBER BENAVIDES; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADDITION OF A SPECIAL CEREMONY TO THE AGENDA

THE RULES WERE SUSPENDED AND COUNCILMEMBERS BEAL AND BENAVIDES PRESENTED A CERTIFICATE OF RECOGNITION TO FRANCESCA KNOT DURING SPECIAL CEREMONIES

MOTION OF EXCUSED ABSENCE

BY COUNCILMEMBER BENAVIDES

TO EXCUSE COUNCIL PRESIDENT JONES FROM TONIGHT'S PROCEEDINGS

CARRIED UNANIMOUSLY

PUBLIC COMMENTS

ALEX BOLT OF 1230 REO RD. SPOKE IN

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opposition to the Stormwater Enterprise Fund fees, saying, they have no relationship to stormwater runoff.

Tom Lafferty of 1806 W. Michigan spoke in opposition to Stormwater Enterprise Fund fees.

David Reid, homeless, spoke regarding a complaint he has filed with the Michigan Judicial Tenure Commission against Judge Glazer.

Lloyd Teets of 116 E. Elm St. criticized the news media and General Motors for their behavior at a Ways and Means Committee meeting last week.

Chris Cotter, no address given, stated that he is a Republican Candidate for the Ingham County Drain Commissioner Seat and stated that when he holds this position he will refuse to sign off on City of Lansing CSO and NPDES Permits.

Melissa Swan, of Adams Outdoor Advertising spoke regarding the requirements of the sign code for a permit process for billboards.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked everyone who came to the District Library Forum that was held in Council Chambers last Thursday night. She explained the District Library resolution passed under consent items tonight, requested that the Administration begin working on locating an interim site for the South Side Library.

Councilmember Lilly commented on the recent State Journal Article about sewer rates and the cost to businesses in the area. He said that the Public Services and Ways and Means committee are doing appropriate work on the sewer rate issue. They are carefully reviewing all aspects of the situation. That is exactly what the NPDES permit process allows them to do. It is set up to be reviewed every 5 years. The State Journal and the Chamber of Commerce have neglected to consider the fact that the public is overwhelmingly upset with the rain tax and sewer rate issues. They cannot expect elected officials to ignore that. He thanked the citizens for their continuing input on these matters.

Councilmember Beal thanked Member Lilly for his supportive comments. She explained that the 6% sewer rate increase is 6% per year every year for the next four years and is compounded. That is why Council is taking their time with it right now. Under the current methodology the small user subsidizes the big user. To some people $10.00 per month may not seem like a lot of money, but to someone on a fixed income it does. Council is not trying to "stick it" to the big users, but they are looking at the amount of money that has been spent on the consultants for this project and they are looking at the $75,000 additional billing that those consultants are charging because they have had to attend meetings to provide information. She is concerned about the rumors that have been circulating about the Ways and Means Committee meeting. This committee has established an 'Expert Committee' consisting of the City's Internal Auditor, Controller, and Waste Water Treatment Plant Manager. The time has come to start tapping the expertise of the people who are paid a very nice wage by the City to do this work. The City has cash reserves to cover any shortfalls caused from delaying the adoption of the 6% sewer rate increase.

Councilmember Benavides complimented Captain Teszelwicz of the South Side Precinct on the quality of the SS Precinct Monthly Newsletter. He sent his compliments to the City Lights Employee Newsletter, also.

Councilmember Leeman announced that the Public Service Committee is scheduled to receive answers from the administration, to the stormwater questions they have asked and expects to determine at their meeting tomorrow if they will televise the meeting at which the answers are presented. He congratulated Member Bauer on completing her first 6 months in office.

CITY CLERK'S COMMENTS

Marilynn Slade addressed the questions raised by Mr. Eggleston regarding the possibility of fraudulent voting in the City of Lansing by Non-residents. She stated that she is interested in looking into the matter, but cannot do so because the complainant was anonymous. For a complaint to be investigated, it has to be a sworn complaint and must contain a signature. If the person who sent the anonymous letter, wants to sign a sworn statement of complaint, the City Clerk's Office would be happy to investigate it.

Councilmember Lilly asked City Clerk Slade about the status of the MOST petition drive.

City Clerk Slade reported that the canvassing of the petition signatures should be completed by tomorrow, and preliminary indications are that MOST will have an adequate amount of signatures to place their language on the November Ballot.

MAYOR'S EXECUTIVE ASSISTANT'S

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RESPONSE TO COMMENTS

Mr. Wiener said that the stormwater and sewer rate issues are very complicated ones and the search for equity is very difficult. They are trying to balance a lot of complicated situations. They are trying to meet all of the Stormwater requirements.

He announced an Immunization Clinic on Saturday, July 13, 1996 at the East Side Network Center between 10:00 A.M. and 2:00 P.M. This is a joint effort with the MSU College of Osteopathic Medicine and the Ingham County Health Department. The East Side Network Center is located in the 700 Block of E. Michigan Ave.

ADJOURNED 8:40 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JULY 8, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmember Beal

The Invocation was heldand Pledge of Allegiance were led by Councilmember Lilly

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter and petition from the employees and customers of Tom's Shop Rite on W. Willow regarding harassment by members of the United Food and Commercial Workers Union Local 951 at their store

2. From Councilmember Allen; a Petition signed by 29 residents of Ashley Dr. requesting the installation of a three-way stop sign at the intersection of Ashley Dr. and Haverhill Dr.

3. From Councilmember Allen; a Letter from Ed Carpenter of Liskey's in opposition to the Principal Shopping District

4. From Councilmember Allen; a motion that the resolution stating an intent to issue bonds for the South Side Community Center be raised from the table at this time and placed on the agenda for passage

Carried unanimously

PUBLIC COMMENT

Ruth Hallman of 1014 W. Lapeer spoke in opposition the planned cuts in overtime for Police Officers. She asked members of the audience, here tonight to protest the overtime cuts, to stand. Approximately 7 people stood.

Carol Wood of 1018 W. Lapeer spoke in opposition to overtime cuts in the Police Department.

Gladys Gilson of 223 W. Barnes Ave. stated her agreement with the statements made by the two previous speakers. The Chief of Police, she said, has a tough enough job without being short handed. He should not be in a position of asking his men to go out into the streets without proper backup.

Al Kotchka complimented Mayor Hollister on the revitalization of the Downtown area. However, this redevelopment should not be done at the expense of putting Police Patrols in the neighborhoods. There seems to be an over-abundance of Police Patrols stationed at Oldsmobile Park on game nights. Hopefully these patrols have not been taken from residential neighborhoods. He asked that overtime at LPD be funded at existing levels

Leslie Covell of 208 E. Grand River, Chair of the Old Town Commercial Association spoke in support of the Principal Shopping District Ordinance. She requested Council's support for their efforts to develop Old Town for shopping, recreational and educational programs. She asked Council to amend the ordinance to say that section 1812.08, regarding right-of-way, applies to Zone A, only.

George Warren of 414 Dorrence stated his support of comments made by Ms. Covell. They support the ordinance, but, they oppose the permit requirements for merchants who want to put their merchandise out on the sidewalk in front of their stores. They are concerned about the percentage of increase in fees from zone to zone and about a lack of guarantees about where funds will be spent. They suggest an inclusion to the effect that fees generated by a specific zone must be spent within that zone.

Bernie Meissner of 635 LaSalle Blvd. pointed out that tonight's agenda contains a certification by the City Clerk of the second MOST petition drive to repeal the two Civil Rights Ordinances. He commented on the misinformation that has been circulated about this petition drive and about statements made by the City Clerk regarding the petition drive. He complimented Ms. Slade on the expertise and experience she has shown in the running of her Department. He

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asked that City Council withdraw their ballot language placing the Civil Rights Ordinances on the November 1995 Odd Year General Election Ballot.

Kevin McKinney of 6950 W. Eaton hwy. spoke on behalf of the Business Task Force in support of the principal shopping district ordinance.

Bob Egan of 733 W. Shiawassee, Co-chair of the Lansing Equal Rights Task Force spoke in support of further evaluation of the cuts in overtime at LPD. He stated his support of the principal shopping district ordinance. He reported that the Equal Rights Task Force submitted an official complaint today regarding the practices used by MOST in the circulation of their petitions to repeal the Civil Rights Ordinances. They believe that MOST collected signatures when the circulators were not present to personally witness the signing.

Jack Siebolt of 305 N. Butler spoke in support of the comments made by Ms. Hallman regarding cuts in overtime at LPD.

Lloyd Teets of 116 E. Elm St. agreed with the comments made by Ms. Hallman. However, these are things he was aware 6 months ago. He spoke in support of the Principal Shopping District Ordinance and in opposition to the L-HOP Program. He does not support any type of residency requirement, except for Department Heads. He would support some type of residency incentive program, but not this one. This program excludes City Employees who chose to live in the City of Lansing of their own free will.

William Hubbell of 1827½ W. Holmes said he would like to see the Principal Shopping District Ordinance renamed to the Downtown Shopping District. He stated his opinion of the South Side Community Center bonding issue.

Nancy Achenbach of 223 S. Washington, Acting Chair of the Mall Advisory Board spoke in support of the principal shopping district ordinance. She explained that under the provisions of the PSD ordinance, all businesses can utilize the first 5' in front of their stores for display of merchandise.

Kelly Thompson of 226 Gill St. spoke in support of the principal shopping district ordinance.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Continental Cablevision regarding their new High Speed Internet Access Service

RECEIVED AND PLACED ON FILE

B. Michigan Tax Tribunal Appeals for:

-Richwood Village Associates
-First of America Bank
-Canterbury Commons LDHA
-Chadburne LDHA

REFERRED TO THE CITY ATTORNEY

C. Z-10-96, 5326 S. Pennsylvania, Rezoning Petition from "A-1" Residential to "F" Commercial Districts filed by Mark W. Warner, 456 Davis, Allegan, MI to bring the Zoning into conformance with the current use of the property as Office Space

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Letter from Mr. & Mrs. Robert Ball of 1622 W. Shiawassee requesting street repair at the intersections of Shiawassee and Memphis, Genesee and Memphis and Genesee and Verlinden

REFERRED TO THE MAYOR

E. Letter from the National League of Cities regarding the submission of Policy Proposals and Resolutions at their Congress of Cities to be held in San Antonio, TX December 7-10, 1996

REFERRED TO THE MAYOR

F. Letter from Leonard and Ardis Taylor of 2250 Luwanna Dr. regarding taxes and services fees charged by the City of Lansing

REFERRED TO THE MAYOR

G. Letter from Ruth Hallman of 1014 W. Lapeer regarding the Lansing Police Department

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

H. Letter from Capital Area Transportation Authority regarding a reduction in Student Fares to .25

RECEIVED AND PLACED ON FILE

I. Letter from the Eaton County Equalization Director submitting the 1996 Tax Rate Request

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and Millage Request Report

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister said that his Business Ombudsman, Bob Johnson, along with Kelly Thompson and Kevin McKinney have worked very closely with the merchants in the proposed principal shopping district. He urged passage of this ordinance, as well as of the L-HOP resolution. It has become apparent to the Administration that A residency requirement cannot be enacted, and this is one way to encourage employees to live within the City. He thanked Councilmember Novak and the Ad Hoc housing Committee for the work they have done on this project. He urged passage of the Resolution of intent to issue bonds for the South Side Community Center project.

Councilmember Novak relayed a request for street repair on W. Shiawassee. He said that the Police Department should be using unexpended salary funds, which amount to approximately $70,000 per month, to fund overtime for existing positions, particularly during summer months.

Mr. Wiener reported that the Police Department Overtime budget was increased this year.

Mayor Hollister added that there is 100% full funding of all police positions, including full funding of overtime.

Councilmember Benavides stated his satisfaction at the course of this discussion. The City has had this problem for a long time. Recruitment of Police Officers is on going, however, we should not have 17 position vacant on a regular basis. We need to look at the recruitment policies, such as background checks and other requirements. We are loosing candidates to other communities, as well as to the State Police.

Councilmember Allen expressed her concern over the amount of vacant positions in the Police Department and asked Mayor Hollister to respond to these letters in writing, and to review the reorganization now that it has been in operation for a while. This issue will be on the Public Safety Committee Agenda at their next meeting. She thanked Mayor Hollister for the excellent 4th of July celebration at Oldsmobile Park and asked that the City make plans for the same type of celebration next year.

Councilmember Jones commented that the morale problem in the Police Department could be responsible, in part, for our continuing loss of officers to other agencies.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Wrecker Service: Jerry's Automotive

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Boards and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Clerk notifying Councilmembers of the Certification of Referendum Petition Signatures for the Repeal of Ordinances numbered as #944 and #945, the Civil Rights Ordinances

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Letters from the Mayor re:

1/ Letter of Appreciation from Tom Smith of Great Lakes State Games to Sgt. Leroy Green & the Lansing Police Department Special Events Force

RECEIVED AND PLACED ON FILE

2/ Estimated and Actual Revenues and Expenditures to date March 31, 1996

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ P-01-96, Wise Estates Final Preliminary Plat

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ Transfer of Funds: District Court

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Property Transfer Affidavit Penalty

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

6/ Reappointment of Elizabeth J. Aldrich to the Cable and Telecommunications Advisory Board

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for a Term To Expire June 30, 2000

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

7/ Appointment of Ida Bryanton to the Cable and Telecommunications Advisory Board for a Term To Expire June 30, 2000

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

COMMITTEE REPORTS

RESOLUTION #309
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the Street Repair Schedule for 1996.

REPORTS AS FOLLOWS: The Committee reviewed the list of streets scheduled for reconstruction, rehabilitation and overlays, as well as the streets that will be reconstructed in conjunction with the Combined Sewer Overflow project in 1996. The Committee received this information and had no problems with the specific streets scheduled for repairs. Channel 28 and the local media are publicizing construction zones and detour information. No Council action is necessary on this report

SIGNED: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN

That the report of the Committee be received

CARRIED UNANIMOUSLY

RESOLUTION #310
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred the ordinance to revise Chapter 812 of the Code to provide for the establishment of the Downtown Lansing and Environs Principal Shopping District, to define terms used in said Chapter, and to establish the boundaries of said District,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

SIGNED: Rick Lilly Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #311
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Kimberly A. Coleman, 2900 Bascom Circle, Lansing, to the Economic Development Corporation Board of Directors and to the Tax Increment Finance Authority Board of Directors, for a term to expire June 30, 2000; and

Whereas, the Committee on Development and Planning interviewed the appointee and found her to be qualified to serve on these boards

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Kimberly a Coleman to the Boards of Directors of the Economic Development Corporation and the Tax Increment Finance Authority for a Term to Expire June 30, 2000.

By Councilmember Lilly

Carried unanimously

RESOLUTION #312
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
ACT-16-96, Jones Street Vacation

WHEREAS, Sparrow Hospital and the Lansing School District have requested that the City vacate Jones Street between E. Michigan Avenue and Eureka Street; and

WHEREAS, Sparrow Hospital, the Lansing School District, and Studio de Danse, respectively, are the sole owners of the property adjacent to the street to be vacated; and

WHEREAS, the northern part of the vacated street would essentially be an access drive to the Sparrow Professional Building & Parking Deck, and Studio de Danse; and

WHEREAS, the southern portion of the vacated Jones Street will be utilized to expand Bingham Elementary School playground, and permit a buffer area between the expanded playground and the Sparrow Professional Building Parking Deck; and

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WHEREAS, Sparrow has been working closely with the Lansing School District regarding the vacation of Jones Street and has offered specific construction and financial assistance to the School District to expand the Bingham Elementary School playground; and

WHEREAS, this request is part of an overall development plan for the expansion of health care services in the Sparrow Complex to include facilities on the south side of E. Michigan Avenue; and

WHEREAS, I on June 18, 1996, the Planning Board reviewed the request under 1931 P.A. 285, and recommended the vacation of the street subject to the condition that the City retain easements for utilities located in the right of way and for their possible relocation; and

WHEREAS, no one spoke in opposition to this proposal at either the June 11, 1996 Urban Development Committee meeting, or the June 18, 1996 Planning Board meeting; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the vacates the 100 block of Jones Street between Michigan Avenue and Eureka Streets in the City of Lansing, said vacated street being more particularly described as:

Beginning at the NW corner Lot 6 Blk. 1, Green Oaks Addition, thence south approx. 363' to the SW corner Lot 12, thence west approx. 82.5' to the SE corner Lot 11 Blk. 2, thence north approx. 363' to the NE corner Lot 1, thence east approx. 82.5' to P.O.B., all within the Green Oaks Addition, City of Lansing, Ingham County, Michigan,

but reserving, however, unto the City of Lansing an easement under, across, above and within the right of way of said vacated street for utility purposes, including the right of ingress and egress at all times for public or private utility agents and employees to use the vacated street, or so much of it as may by necessary, for the installation, maintenance, repair or removal of utilities.

BE IT FINALLY RESOLVED that the City Clerk, within 30 days hereafter, shall forward certified copies of this Resolution to the Ingham County Register of Deeds for recording, and upon return, a copy of the recorded Resolution to the Michigan Department of Consumers and Industry Services Subdivision Control Unit, the Lansing School District, Sparrow Hospital, the Department of Public Service, the Assessor's Office, and the Planning Office.

By Councilmember LILLY

To accept a substitute resolution for the one contained in the packet, and to place an affirmative roll on the substitute resolution

Carried unanimously

Item XIII A-2, Resolution by the Committee on Development and Planning regarding the Principal Shopping District, WAS PULLED FROM THE AGENDA AND REFERRED TO THE COMMITTEE ON WAYS AND MEANS

RESOLUTION #313
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, an agreement between the City of Lansing and the Greater Lansing Amateur Hockey Association has been presented to the Lansing City Council; and

WHEREAS, the Greater Lansing Amateur Hockey Association is in need of additional ice space to maintain and expand their program; and

WHEREAS, the City wishes to preserve recreational opportunities for Lansing residents at the City's ice rink facility at Washington Park and ensure the ice rink's financial viability into the future; and

WHEREAS, the City has available ice located at Washington Park; and

WHEREAS, the Park Board has reviewed and approved a proposal from the Greater Lansing Amateur Hockey Association to redevelop the ice rink facility to provide both enclosed and outdoor ice skating facilities; and

WHEREAS the Greater Lansing Amateur Hockey Association has agreed to finance the development of the Washington Park Ice Rink and proposal for development; and

WHEREAS, this proposal has been presented to the Committee on Public Services and it has been determine that the following conditions must be satisfied and further information received in order to comply with local and state zoning, financial and legal requirements and mandates, including but not exclusively:

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♦A conceptualized drawing of the site

♦An outline of the use including scheduled activities

♦Financial responsibilities of each party (budget and spreadsheet)

♦The need for additional personnel

♦Determination whether an Act 285 review shall be necessary prior to the institution and approval of this particular agreement;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council approve and endorse the concept of the agreement between the City of Lansing and Greater Lansing Amateur Hockey Association.

BE IT FURTHER RESOLVED that this resolution is non-binding and is neither intended nor represented to be a binding affirmation of the aforementioned agreement.

By Councilmember Leeman

Carried unanimously

RESOLUTION #314
BY COUNCILMEMBER PAUL NOVAK
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Ad Hoc Committee on Housing has proposed a City of Lansing Home Ownership Program to increase the number of City of Lansing employees who live in the City; and

WHEREAS, the administration had proposed through the budget process a home ownership residency incentive program for full-time City of Lansing employees (hereinafter 'IL-HOPE") and received tentative approval for such a program in the budget adopted by Council for FY-96/97; and

WHEREAS, said Ad Hoc Committee on Housing recommends that the administration review the extension of the program to other employee groups; and

WHEREAS, the Council desires to . implement the program as attached hereto while the eligibility of other groups is under study;

NOW THEREFORE BE IT RESOLVED, that the Council does hereby approve and adopt the attached final draft of the City of Lansing Home Ownership Program for Employees ("L-HOPE") for full time City of Lansing employees whose bargaining units have agreed to participate in the program and exempt employees, except for elected officials and Mayoral and Council employees, and executive plan employees;

BE IT FURTHER RESOLVED, that this approval is subject to obtaining any necessary approvals or concurrences from employee groups represented by unions; and

BE IT FURTHER RESOLVED, that the offering of the program is subject to the $100,000 Fiscal Year 1996-97 funding limitation set in the budget ($5,000 for up to 20 employees) and is to be implemented on a first-come first-served basis; and

BE IT FINALLY RESOLVED, that the administration is requested to review and report back to the Council on whether the program should be extended to part-time employees and to other employee groups.

By Councilmember Novak

ADOPTED BY THE FOLLOWING VOTE:

YEAS; Councilmembers Bauer, Benavides, Jones, Leeman, Lilly, Novak

NAYS: Councilmember Allen

ABSENT: Councilmember Beal

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-7-96, 401 W. Holmes Rd. from "J" Parking to "B" Residential District (Rear [South] 264 ft.)

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Development and Planning.

RESOLUTION #315
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, July 29, 1996 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall; 124 West Michigan Avenue, Lansing, Michigan, for the

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PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-7-96, 401 W. HOLMES RD. FROM "J" PARKING TO "B" RESIDENTIAL DISTRICT (REAR [SOUTH] 264 FT.)

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

TO RECONSIDER THE VOTE ON THE SETTING OF THIS PUBLIC HEARING

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

TO AMEND THE RESOLUTION TO STATE THAT A PUBLIC HEARING WILL BE HELD ON MONDAY, AUGUST 5, 1996, BECAUSE JULY 29, 1996 IS A TOWN HALL FORUM CITY COUNCIL MEETING

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCES

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-8-96, 500 W. SAGINAW ST. FROM "D-1" PROFESSIONAL OFFICE TO "F" COMMERCIAL DISTRICT

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION 316
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, JULY 29, 1996 AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-8-96, 500 W. SAGINAW ST. FROM "D-1" PROFESSIONAL OFFICE TO "F" COMMERCIAL DISTRICT

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

TO RECONSIDER THE RESOLUTION SETTING A PUBLIC HEARING

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

TO AMEND THE RESOLUTION TO STATE THAT A PUBLIC HEARING WILL BE HELD ON MONDAY, AUGUST 5, 1996, BECAUSE JULY 29, 1996 IS A TOWN HALL FORUM CITY COUNCIL MEETING

CARRIED UNANIMOUSLY

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING:

BY COUNCILMEMBER LILLY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 812 FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT OF THE DOWNTOWN LANSING AND ENVIRONS PRINCIPAL SHOPPING DISTRICT, TO DEFINE TERMS USED IN SAID CHAPTER, AND TO ESTABLISH THE BOUNDARIES OF SAID DISTRICT, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING:

BY COUNCILMEMBER LILLY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 812 FOR THE PURPOSE OF PROVIDING FOR THE ESTABLISHMENT OF THE DOWNTOWN LANSING AND ENVIRONS PRINCIPAL SHOPPING DISTRICT, TO DEFINE TERMS USED IN SAID CHAPTER, AND TO ESTABLISH THE BOUNDARIES OF SAID DISTRICT, BE NOW PASSED.

BY COUNCILMEMBER LILLY

TO AMEND THE ORDINANCE IN SUBSECTION 812.08(A)(3) TO SAY "PURSUANT TO SUBSECTION (C) HEREOF;" AND TO PLACE AN AFFIRMATIVE ROLL ON THE ORDINANCE AS AMENDED

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YEAS: Councilmembers Allen, Bauer, Benavides, Jones, Leeman, Lilly, Novak

NAYS; None

ABSENT: Beal

ORDINANCE #0949

AN ORDINANCE TO AMEND AND REVISE CHAPTER 812 OF THE CODIFIED ORDINANCES OF LANSING TO PROVIDE FOR THE ESTABLISHMENT OF THE DOWNTOWN LANSING AND ENVIRONS PRINCIPAL SHOPPING DISTRICT, TO DEFINE TERMS USED IN SAID CHAPTER, AND TO ESTABLISH THE BOUNDARIES OF SAID DISTRICT.

THE CITY OF LANSING ORDAINS:

SECTION 1. That Chapter 812 of the Codified Ordinances of Lansing is amended and revised to read as follows:

812.01 DEFINITIONS

(A) "ALLEY" MEANS A PUBLICLY OWNED ACCESS WAY WHICH IS INTENDED TO SERVE ADJACENT PROPERTY.
(B) "LANDSCAPE AREA" MEANS A PLANTER TUB, A GRATED TREE PLANTER, A BERMED PLANTING, THE PARKWAY, OR A FLOWER, GROUND COVER OR SHRUB BED WITH OR WITHOUT A MULCH COVERING.
(C) "PARKWAY" MEANS THE AREA BETWEEN THE EDGE OF THE ROADWAY AND THE SIDEWALK, OR THE PROPERTY LINE WHERE THERE IS NO SIDEWALK.
(D) PUBLIC OUTDOOR SPACE MEANS ANY RIGHT OF WAY OR CITY OWNED PROPERTY.
(E) "RIGHT OF WAY" MEANS THE ENTIRE PORTION OF LAND BETWEEN PROPERTY LINES, INCLUDING ANY STREET, ROADWAY, HIGHWAY OR ALLEY LOCATED THEREIN.
(F) "STREET," "ROADWAY" AND "HIGHWAY" MEANS THE PORTION OF THE RIGHT OF WAY INTENDED FOR VEHICULAR TRAVEL.
(G) "SIDEWALK" MEANS THAT HARD SURFACE PART OF THE RIGHT OF WAY BETWEEN THE PARKWAY AND THE PROPERTY LINE INTENDED FOR USE BY NON-MOTORED TRAFFIC AND PEDESTRIANS.
(H) "TEMPORARY ENCROACHMENT" REFERS TO USES THAT INVOLVE THE USE OF THE PUBLIC RIGHT OF WAY FOR SPECIFIC ACTIVITIES TAKING PLACE ON A SEASONAL BASIS OR FOR SHORT DURATIONS. THESE INCLUDE BUT ARE NOT LIMITED TO TABLES, CHAIRS DISPLAY RACKS, SURFACE LEVEL SIGNS, PUSH CARTS, PEDESTALS, SOLICITORS, SALES PERSONS, MUSICIANS, AND OUTDOOR EXHIBITIONS.
(I) "WASHINGTON SQUARE MALL" MEANS THE THREE (3) BLOCK RIGHT OF WAY OF N. WASHINGTON BETWEEN 1) THE NORTH CURB LINE OF MICHIGAN AVENUE AND THE SOUTH CURB LINE OF OTTAWA STREET; 2) THE NORTH CURB LINE OF OTTAWA STREET AND THE SOUTH CURB LINE OF IONIA STREET; AND 3) THE NORTH CURB LINE OF IONIA STREET AND THE SOUTH CURB LINE OF SHIAWASSEE STREET AND ALSO THE FOUR (4) BLOCK RIGHT OF WAY OF S. WASHINGTON BETWEEN 1) THE SOUTH CURB LINE OF MICHIGAN AVENUE AND THE NORTHER CURB LINE OF ALLEGAN ST.; 2) THE SOUTH CURB LINE OF ALLEGAN ST. AND THE NORTH CURB LINE OF WASHTENAW ST.; 3) THE SOUTH CURB LINE OF WASHTENAW ST. AND THE NORTH CURB LINE OF KALAMAZOO ST.; AND 4) THE SOUTH CURB LINE OF KALAMAZOO ST. AND THE NORTH CURB LINE OF LENAWEE ST.

812.02 POWERS OF CITY REGARDING DEVELOPMENT OR REDEVELOPMENT; ASSESSMENTS.

(A) THE CITY MAY PROVIDE FOR THE DEVELOPMENT OR REDEVELOPMENT OF THE PRINCIPAL SHOPPING DISTRICT AS AUTHORIZED BY PUBLIC ACT NO. 120 OF 1961 AS AMENDED (M.C.L.A. 125.981 ET SEQ.) AND THIS CHAPTER.
(B) THE USE IN THIS CHAPTER OF THE TERM "PUBLIC IMPROVEMENT" DOES NOT PREVENT THE LEVYING OF A SPECIAL ASSESSMENT FOR THE COST OF A PART OF A PRINCIPAL SHOPPING DISTRICT PROJECT THAT REPRESENTS SPECIAL BENEFITS.
(C) WHENEVER COUNCIL ORDERS PUBLIC IMPROVEMENTS THAT ARE MENTIONED IN THIS SECTION, IT MAY DETERMINE, BY RESOLUTION OR ORDINANCE, THAT THE WHOLE OR SOME PORTION OF THE EXPENSE OF ANY SUCH PUBLIC IMPROVEMENT SHALL BE BORNE BY THE OWNERS OF ADJACENT PARCELS OF LAND. IN SUCH A CASE, THE PROCEDURE TO BE USED TO ASSESS THE COST OF SUCH PUBLIC IMPROVEMENTS SHALL BE BORNE BY THE OWNERS OF ADJACENT PARCELS OF LAND. IN SUCH A CASE, THE PROCEDURE TO BE USED TO ASSESS THE COST OF SUCH PUBLIC IMPROVEMENTS SHALL BE AS SET FORTH IN CHAPTER 1026.

812.01 DESIGNATION OF AREA.- TO PROMOTE ECONOMIC ACTIVITY AND TO PROVIDE FOR THE MAINTENANCE, SECURITY AND OPERATION OF A PRINCIPAL SHOPPING DISTRICT.

THE DOWNTOWN LANSING AND ENVIRONS PRINCIPAL SHOPPING DISTRICT (HEREINAFTER CALLED PRINCIPAL SHOPPING DISTRICT), INCLUSIVE OF PARCELS WITHIN OR HAVING FRONTAGE IMMEDIATELY CONTIGUOUS TO THE DESCRIBED BOUNDARY, IS HEREBY DECLARED AND ESTABLISHED AS:

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PRINCIPAL SHOPPING DISTRICT: BEGINNING AT THE INTERSECTION OF THE WEST RIGHT OF WAY OF S. CAPITOL AVENUE AND THE NORTH RIGHT OF WAY LINE OF W. ST. JOSEPH STREET, "POINT OF BEGINNING", NORTH ALONG THE S. CAPITOL AVENUE RIGHT OF WAY LINE TO THE CENTERLINE OF W. ALLEGAN STREET, THEN EAST ALONG THE W. ALLEGAN CENTERLINE TO THE CENTERLINE OF S. CAPITOL AVENUE, NORTH ALONG THE S. CAPITOL AVENUE CENTERLINE TO THE CENTERLINE OF W. SAGINAW STREET, EAST ALONG THE W. SAGINAW STREET CENTERLINE TO THE WEST RIGHT OF WAY LINE OF N. WASHINGTON "AVENUE, NORTH ALONG THE N. WASHINGTON AVENUE RIGHT OF WAY LINE TO THE NORTH RIGHT OF WAY LINE OF W. GRAND RIVER AVENUE, EAST ALONG THE W. GRAND RIVER AVENUE RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF TURNER STREET, NORTH ALONG THE TURNER STREET TO THE NORTH RIGHT OF WAY LINE OF CLINTON STREET, EAST ALONG THE CLINTON STREET RIGHT OF WAY TO THE EAST RIGHT OF WAY LINE OF CENTER STREET, SOUTH ALONG THE CENTER STREET RIGHT OF WAY LINE TO THE NORTH RIGHT OF WAY LINE OF LIBERTY STREET, EAST ALONG THE LIBERTY STREET RIGHT OF WAY LINE TO THE CENTERLINE OF N. CEDAR STREET, SOUTH ALONG THE N. CEDAR STREET CENTERLINE TO THE SOUTH RIGHT OF WAY LINE OF E. GRAND RIVER AVENUE, EAST ALONG THE E. GRAND RIVER AVENUE RIGHT OF WAY LINE TO THE WEST RIGHT OF WAY LINE OF N. LARCH STREET, SOUTH ALONG THE N. LARCH STREET RIGHT OF WAY LINE TO THE CENTERLINE OF E. SHIAWASSEE STREET, EAST ALONG THE E. SHIAWASSEE STREET CENTERLINE TO THE WEST RIGHT OF WAY LINE OF THE CONRAIL RIGHT OF WAY, SOUTH ALONG THE CONRAIL RIGHT OF WAY LINE TO THE SOUTH RIGHT OF WAY LINE OF E. MICHIGAN AVENUE, WEST ALONG THE E. MICHIGAN AVENUE RIGHT OF WAY LINE TO THE EAST RIGHT OF WAY LINE OF S. LARCH STREET, SOUTH ALONG THE S. LARCH STREET RIGHT OF WAY LINE TO THE CENTERLINE OF E. KALAMAZOO STREET, THEN WEST ALONG E. KALAMAZOO STREET CENTERLINE TO THE CENTERLINE OF S. LARCH STREET, THEN SOUTH ALONG THE S. LARCH STREET CENTERLINE TO THE NORTH RIGHT OF WAY LINE OF ST. JOSEPH STREET (EXTENDED), WEST ALONG THE ST. JOSEPH STREET RIGHT OF WAY LINE (EXTENDED) TO THE POINT OF BEGINNING.

812.04 PORTIONS OF WASHINGTON SQUARE MALL TREATED AS SIDEWALKS.

THE PORTION OF THE WASHINGTON SQUARE MALL LYING BETWEEN LOT LINES OF PROPERTY AND A LINE PARALLEL TO SUCH PROPERTY LINES AND TWENTY FEET THEREFROM, MEASURED ON THE PERPENDICULAR, SHALL BE TREATED AS SIDEWALKS AND SHALL BE SUBJECT TO ALL PROVISIONS OF THESE CODIFIED ORDINANCES APPLICABLE TO SIDEWALKS.

812.05 WASHINGTON SQUARE MALL CLOSED TO VEHICULAR TRAFFIC; EXCEPTIONS;

(A) THE WASHINGTON SQUARE MALL IS CLOSED TO ALL VEHICULAR TRAFFIC, INCLUDING THE RIDING OF BICYCLES, EXCEPT AS PROVIDED IN SUBSECTIONS (B) HEREOF

(B) SUBSECTION (A) HEREOF DOES NOT APPLY TO THE FOLLOWING VEHICLES:

(1) EMERGENCY VEHICLES. PUBLIC POLICE AND FIRE VEHICLES AND PUBLIC AND PRIVATE AMBULANCES;

(2) PUBLIC WORKS, MAINTENANCE AND SERVICE VEHICLES. PUBLIC AND PRIVATE STREET REPAIR AND CONSTRUCTION VEHICLES AND EQUIPMENT; PUBLIC AND PRIVATE MAINTENANCE, STREET CLEANING AND SNOW REMOVAL VEHICLES AND EQUIPMENT; PUBLIC AND PRIVATE WATER AND SEWER REPAIR AND CONSTRUCTION VEHICLES AND EQUIPMENT; AND PUBLIC AND PRIVATE VEHICLES AND EQUIPMENT ENGAGED 'M CONSTRUCTION, SERVICE AND REPAIR OF ELECTRIC, GAS, TELEPHONE OR OTHER PUBLIC UTILITY FACILITIES; AND

(3) MOTOR VEHICLES AUTHORIZED BY SPECIAL PERMIT. UPON DEMONSTRATION BY AN APPLICANT OF SUBSTANTIAL NEED TO USE THE AREA DEEMED IN SUBSECTION (A) HEREOF DURING THE COURSE OF BUSINESS OR OTHERWISE, THE MAYOR OR THE DIRECTOR OF PARKS AND RECREATION MAY ISSUE A TEMPORARY SPECIAL PEN-NIT FOR THE PURPOSES OUTLINED IN THE APPLICATION FOR SUCH PERMIT.

812.06 PORTIONS CLOSED TO SKATEBOARDS, IN-LINE SKATING AND BICYCLES.

(A) NO PERSON SHALL RIDE AND/OR MANEUVER A SKATEBOARD ON THE WASHINGTON SQUARE MALL BETWEEN SHIAWASSEE STREET AND MICHIGAN AVENUE OR ON THE S. WASHINGTON AVENUE RIGHT OF WAY BETWEEN MICHIGAN AVENUE AND LENAWEE STREET OR IN THE AREA BOUNDED BY THE NORTH STREET CURB LINE OF MICHIGAN AVENUE ON THE SOUTH, THE EAST LINE OF THE RIVER WALK ON THE WEST, THE NORTH STREET CURB LINE OF MUSEUM DRIVE ON THE NORTH, AND THE WEST RIGHT OF WAY LINE OF CEDAR STREET ON THE EAST, EXCEPT AS PROVIDED IN SECTION 812.08.

(B) NO PERSON SHALL IN-LINE SKATE ON THE WASHINGTON SQUARE MALL BETWEEN SHIAWASSEE STREET AND MICHIGAN AVENUE OR ON THE WASHINGTON AVENUE RIGHT OF WAY BETWEEN MICHIGAN AVENUE AND LENAWEE STREET OR IN THE AREA BOUNDED BY THE NORTH STREET CURB LINE OF MICHIGAN AVENUE ON THE SOUTH, THE EAST LINE OF THE RIVER WALK ON THE WEST, THE NORTH STREET CURB LINE OF MUSEUM DRIVE ON THE NORTH, AND THE WEST RIGHT OF WAY LINE OF CEDAR STREET ON THE EAST, EXCEPT AS PROVIDED IN SECTION 812.08.

(C) RIDING OF BICYCLES IS REGULATED IN ACCORDANCE WITH SECTIONS 1.003A AND 6.19(2) OF THE TRAFFIC CODE.

812.07 PRINCIPAL SHOPPING DISTRICT BOARD

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The Mayor shall appoint and Council shall confirm an eight-member PRINCIPAL SHOPPING DISTRICT BOARD responsible to the Mayor and Council for:

(A) A program to manage the promotion of economic activity in the Principal Shopping District by undertakings including, but not limited to, conducting market research and public relations campaigns, developing, coordinating, and conducting retail and institutional promotions, and sponsoring special events and related activities. A business may prohibit the use of its name or logo in a public relations campaign, promotion, or special event or related activity for the Principal Shopping District;

(B) A program to provide for the maintenance, security, and operation of the public outdoor spaces within the Principal Shopping District; and

(C) Advising the Mayor on the issuance of permits for special events, right of way closures, banners, temporary encroachment uses, bicycling events, skateboarding events and/or in-line skating events.

(D) Advising the Mayor and Council on the method to finance the whole or any part of the Principal Shopping District project(s).

(E) The annual submission, prior to December 1 of each year, of a written report evaluating the effectiveness and analyzing the status, priorities for service, activities and programs of the Principal Shopping District Board; the report shall be filed with the City Clerk and copies provided to the Mayor and Council;

(F) The annual submission, prior to August 15 of each year, of an independent audit of all accounts at the close of the fiscal year, which shall end June 30; the audit shall be made by a certified public accountant and shall be filed with the City Clerk and copies provided to the Mayor and Council;

(G) The annual submission, prior to June 30 of each year or prior to any request for the City to levy a special assessment, of the budget of the Principal Shopping District Board for the fiscal year commencing July 1 of that year.

The Board shall consist of a representative of City government, an individual from the adjacent residential area and at least five owners or operators of businesses located within the PRINCIPAL SHOPPING DISTRICT. The Board appointees shall serve overlapping four-year terms. In the first instance, the Mayor shall so arrange their terms that two members' terms shall expire on June 30, 1997, two members' terms on June 30 in the succeeding year, and two members' terms on June 30 in the third year, and two members' terms on June 30 in the fourth year. The Board shall meet not less than once a month. The affirmative vote of five members of the Board shall be necessary for the Board to take action.

812.08 PERMITS FOR CERTAIN ACTIVITIES.

(A) Required. The following activities are prohibited in the PUBLIC SPACES of the PRINCIPAL SHOPPING DISTRICT, unless a permit has been obtained for such activity:
(1) Any peddling, hawking and vending within the meaning of Section W.01;
(2) The sale of or soliciting of the sale of ice cream, ice cream products or confections within the meaning of Sections 844.19 and 844.20;
(3) Any display of merchandise, products or goods, except as part of an organized promotion or show which has received a permit pursuant to subsection "C) hereof; and
(4) Any show or exhibition.

(B) THE FOLLOWING ACTIVITIES ARE PROHIBITED ON THE WASHINGTON SQUARE MALL BETWEEN SHIAWASSEE AND MICHIGAN AND ON THE S. WASHINGTON AVENUE RIGHT OF WAY BETWEEN MICHIGAN AVENUE AND LENAWEE STREET, UNLESS A PERMIT HAS BEEN OBTAINED FOR SUCH ACTIVITY:
(1) SKATEBOARDING
(2) IN-LINE SKATING
(3) BICYCLING

(C) Permit Conditions.
(1) The PRINCIPAL SHOPPING DISTRICT Board shall review any application for a permit required in subsection (A) hereof and shall make written recommendations to the Mayor concerning the issuance or denial of any such permit.
(2) Council may establish by resolution an appropriate fee schedule for such permits.
(3) Permits issued by the City to hawk, peddle or vend or for the sale of or the solicitation of the sale of ice cream, ice cream products or confections within the PRINCIPAL SHOPPING DISTRICT shall be annual permits. Permits issued to conduct shows, exhibitions or displays of merchandise, products or goods as part of an organized show as promotion shall be valid only for the duration of the scheduled events.

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(4) Permits granted may be made conditional according to location within the PRINCIPAL SHOPPING DISTRICT. The areas in which activities including selling, vending or hawking are permitted shall be reviewed annually by the Board and BE SUBJECTED TO APPROVAL by the Mayor.

(5) Any applicant who is denied any permit required in subsection (a) hereof may appeal the denial to Council.

(6) The Board shall recommend, rules and regulations SUBJECT TO REVIEW AND APPROVAL BY THE COUNCIL, for the issuance, denial and revocation of such permits.

(D) Revocation, Hearing: Damage to Persons or Property.

(7) The MAYOR OR HIS/HER DESIGNEE may, after consultation with the City Attorney and a hearing conducted pursuant to this subsection, recommend to Council that a permit issued under this section be revoked for damaging, defacing, injuring, altering or removing PUBLIC PROPERTY or any portion thereof, or for endangering pedestrians or vehicles thereupon; or for violating any other State law or City ordinance.

(8) Prior to such recommendation, the MAYOR OR HIS/HER DESIGNEE shall serve notice in writing on the holder of such pen-nit of the time, place and date of the hearing. The notice shall be served upon the permit holder a minimum of ten days before the scheduled hearing and shall contain a reasonably definite statement of the reason that the permit holder is alleged to have committed the violation. The notice shall infortn the permit holder that he or she may appear in person with or without counsel, may produce witnesses on his or her own behalf and may cross-examine witnesses who testify against him or her. Any hearing conducted by the MAYOR OR HIS/HER DESIGNEE pursuant to this section shall include a full consideration of the issues involved and a determination of facts on the basis of evidence presented. If, after a proper hearing, the MAYOR OR HIS/HER DESIGNEE determines that the permit should be revoked, he or she shall within five days notify Council in writing with a recommendation that the permit be revoked.

812.09 EXCEPTED AREAS AND FACILITIES.

For purposes of Sections 812.07 and 812.08, PUBLIC SPACES AND PUBLIC OUTDOOR SPACES shall not include PROPERTIES OPERATED AND MAINTAINED BY THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY, CITY PARKING GARAGES, OR CITY OPERATED SURFACE PARKING LOTS OR DESIGNATED PARK LAND; PROVIDED THAT THIS EXCEPTION SHALL NOT INCLUDE PERIODIC MAINTENANCE OR CLEANING OF THE CITY HALL PATIO OR OLDSMOBILE PARK PLAZA.

SECTION 2. That the Downtown Mall and Environs Advisory Board heretofore existing pursuant to Chapter 812 as previously enacted is abolished upon the effective date of this ordinance.

SECTION 3. All ordinances, resolutions or rules, parts of ordinances, resolutions, or rules inconsistent with the provisions hereof are hereby repealed.

SECTION 4. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

SECTION 5. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

MARILYNN SLADE, CITY CLERK

TABLED ITEMS

RESOLUTION #317

City of Lansing
Counties of Ingham and Eaton,
State of Michigan
RESOLUTION APPROVING NOTICE OF INTENTION
OF ENTERING INTO
BUILDING AUTHORITY CONTRACT FOR
SOUTHSIDE COMMUNITY CENTER

WHEREAS, the City Council of the City of Lansing (the "City"), has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the City to acquire and construct a Southside Community Center at Washington Park (the "Project"); and

WHEREAS, Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"), provides through the procedures of building authority financing a means for the acquisition, construction and financing of recreational facilities; and

WHEREAS, the City, in accordance with the provisions of Act 31, has previously adopted Articles of Incorporation and has established the City of Lansing Building Authority (the "Authority"), with full powers to acquire, construct, and finance recreational facilities, including the Project; and

WHEREAS, this City Council determines it to be in the best interest of the City to finance a portion of the costs of acquiring and constructing the

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PROJECT THROUGH THE AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF ACT 31; AND

WHEREAS, IN ACCORDANCE WITH THE REQUIREMENTS OF ACT 31, THE CITY AND THE AUTHORITY WILL ENTER INTO A FULL FAITH AND CREDIT LIMITED TAX GENERAL OBLIGATION CONTRACT OF LEASE (THE "CONTRACT") PROVIDING THAT THE AUTHORITY SHALL ACQUIRE AND CONSTRUCT THE PROJECT AND LEASE THE PROJECT TO THE CITY, THAT THE AUTHORITY SHALL FINANCE A PORTION OF THE PROJECT THROUGH THE ISSUANCE OF ITS LIMITED TAX GENERAL OBLIGATION BONDS, AND THAT THE CITY SHALL PAY THE AUTHORITY CASH RENTALS FOR LEASE OF THE PROJECT IN AN AMOUNT SUFFICIENT TO PROVIDE FOR PAYMENT OF DEBT SERVICE ON THE BONDS; AND

WHEREAS, IN ACCORDANCE WITH THE REQUIREMENTS OF ACT 31, THE CITY MUST PUBLISH A NOTICE OF INTENTION TO ENTER INTO THE CONTRACT, AND THE CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY SIXTY (60) DAYS FOLLOWING THE DATE OF PUBLICATION OF THE NOTICE, UNLESS A SUFFICIENT PETITION FOR REFERENDUM REQUESTING AN ELECTION ON THE CONTRACT IS FILED WITH THE CITY CLERK WITHIN LEAST FORTY-FIVE (45) DAYS AFTER THE NOTICE IS PUBLISHED; AND

WHEREAS, A PORTION OF THE EXPENDITURES FOR THE PROJECT ARE EXPECTED TO BE FUNDED BY THE CITY ON A LONG-TERM BASIS SOLELY WITH THE PROCEEDS OF BONDS TO BE ISSUED BY THE AUTHORITY PURSUANT TO THE CONTRACT IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION THREE HUNDRED THOUSAND DOLLARS ($3,300,000), WHICH BONDS WILL BE ISSUED IN EXPECTATION OF OR IN REIMBURSEMENT OF THE EXPENDITURES, AND THE REMAINING PORTION OF THE EXPENDITURES FOR THE PROJECT ARE EXPECTED TO BE FUNDED BY THE CITY FROM OTHER FUNDS; AND

WHEREAS, THE INTERNAL REVENUE SERVICE HAS ISSUED TREASURY REGULATION § 1.150-2 PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, GOVERNING PROCEEDS OF DEBT USED FOR REIMBURSEMENT, PURSUANT TO WHICH THE CITY MUST DECLARE OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF SUCH DEBT; AND

WHEREAS, PRIOR TO THE ISSUANCE OF THE BONDS THE CITY MUST EITHER RECEIVE PRIOR APPROVAL OF THE BONDS FROM THE MICHIGAN DEPARTMENT OF TREASURY OR BE EXEMPT FROM PRIOR APPROVAL AS PROVIDED IN CHAPTER III, SECTION II OF ACT 202, PUBLIC ACTS OF MICHIGAN, 1943, AS AMENDED ("ACT 202").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. THIS CITY COUNCIL HEREBY DETERMINES IT TO BE NECESSARY FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY TO CONSTRUCT AND ACQUIRE THE PROJECT FOR THE USE OF THE CITY.

2. THIS CITY COUNCIL DEEMS IT TO BE IN THE BEST INTEREST OF THE CITY TO FINANCE A PORTION OF THE COST OF SUCH PROJECT THROUGH THE AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF ACT 31.

3. THE NOTICE OF INTENTION OF ENTERING INTO CONTRACT OF LEASE AS HERETO ATTACHED AS EXHIBIT A (THE "NOTICE") SHALL BE PUBLISHED IN THE LANSING STATE JOURNAL, A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY, PROMPTLY UPON ADOPTION OF THIS RESOLUTION, SAID NOTICE TO APPEAR AS A DISPLAY ADVERTISEMENT AT LEAST ONE-QUARTER (1/4) PAGE IN SIZE.

   A. THE CONTRACT SHALL NOT BECOME EFFECTIVE UNTIL THE EXPIRATION OF SIXTY (60) DAYS FOLLOWING THE DATE OF PUBLICATION OF THE NOTICE. IF, UNDER THE PROVISIONS OF SECTION 8B OF ACT 31, A SUFFICIENT PETITION FOR REFERENDUM ON THE QUESTION OF WHETHER THE CONTRACT SHOULD BE EFFECTIVE IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THE NOTICE, THEN THE CONTRACT SHALL NOT BECOME EFFECTIVE WITHOUT CITY VOTER APPROVAL.

THE CITY COUNCIL HEREBY DETERMINES THAT THE NOTICE CONTAINS THE INFORMATION NECESSARY TO ADEQUATELY INFORM THE TAXPAYERS AND ELECTORS OF THE CITY OF THE NATURE OF THE PROPOSED CONTRACTUAL OBLIGATION. THE CITY COUNCIL HEREBY DETERMINES THAT THE DESIGNATED NEWSPAPER IS THE NEWSPAPER CIRCULATING IN THE CITY WHICH REACHES THE LARGEST NUMBER OF PERSONS TO WHOM THE NOTICE IS DIRECTED, AND THAT PUBLICATION OF THE NOTICE IN THE DESIGNATED NEWSPAPER REPRESENTS THE MOST PRACTICAL AND FEASIBLE MEANS OF INFORMING THE TAXPAYERS AND ELECTORS OF THE CITY OF THE FINANCING OF A PORTION OF THE PROJECT.

   A. THE CITY COUNCIL HEREBY RATIFIES AND CONFIRMS ITS INTENTION TO COVENANT IN THE CONTRACT THAT THE CITY WILL LEVY AD VALOREM TAXES AGAINST ALL TAXABLE PROPERTY IN THE CITY TO THE EXTENT NECESSARY TO MEET THE OBLIGATIONS OF THE CITY THEREUNDER IN THE EVENT REVENUES FROM OTHER SOURCES ARE INSUFFICIENT FOR ANY REASON WHATSOEVER. ANY SUCH TAXES LEVIED TO PAY THE CASH RENTAL UNDER THE CONTRACT SHALL BE LIMITED AS TO RATE OR AMOUNT IN THE MANNER PROVIDED BY LAW.

   B. THE CITY COUNCIL HEREBY MAKES THE FOLLOWING DECLARATION OF INTENT FOR THE PURPOSE OF COMPLYING WITH THE REIMBURSEMENT RULES OF TREAS. REG. § 1.150-2 PURSUANT TO THE INTERNAL

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Revenue Code of 1986, as amended:

1. The City reasonably expects to reimburse itself for a portion of the expenditures for the Project with proceeds of debt to be incurred by the City or by the Building Authority on behalf of the City.

2. The maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is $3,300,000, which debt may be issued in one or more series.

3. A reimbursement allocation of the expenditures for the Project with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (I) the date on which the expenditure is paid, or (II) the date the Project are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this Resolution.

4. The expenditures for the Project are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

5. No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (3) above.

6. Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this Resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of $100,000 or 5 percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

7. This declaration of intent is made to indicate the intent of the City only, and does not bind the City to acquire and construct any improvements or to issue any obligations of the City with respect thereto.

C. The Director of Finance or his duly authorized deputy are each authorized to request an order from the Department of Treasury of the State of Michigan ("State Treasury") providing an exception for the bonds from prior approval or an order from State Treasury of approval to issue bonds, to request any necessary waivers, to pay any related fee, and to execute and deliver any documents as may be required by State Treasury in connection with such order.

D. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

By Councilmember Allen

To raise this item from the table

Carried unanimously

By Councilmember Allen

To place an Affirmative Roll on the Resolution

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Benavides, Jones, Leeman, Lilly

NAYS: Councilmembers Bauer, Novak

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I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a regular meeting held on July 8, 1996, at 7 o'clock P.M., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present as said meeting Councilmembers Allen, Benavides, Jones, Leeman, Lilly, and that the following Members were absent: Councilmember Beal. I further certify that Member Allen moved adoption of said resolution.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Allen, Benavides, Jones, Leeman, Lilly. and that the following Members voted against adoption of said resolution: Councilmembers Bauer, Novak, and that

_____

City Clerk

NOTICE OF INTENTION OF ENTERING INTO LIMITED TAX-SUPPORTED CONTRACT OF LEASE AND OF RIGHT TO PETITION FOR REFERENDUM THEREON
SOUTHSIDE COMMUNITY CENTER
TO THE TAXPAYERS AND ELECTORS OF THE CITY OF LANSING, MICHIGAN:

PLEASE TAKE NOTICE that the City of Lansing intends to approve and execute a Full Faith and Credit Limited Tax General Obligation Contract of Lease with the City of Lansing Building Authority pursuant to Act No. 31, Public Acts of Michigan, 1948 (First Extra Session), as amended. Such Contract shall provide, among other things, that the Building Authority will acquire and construct a Southside Community Center at Washington Park and WILL ISSUE ITS BONDS IN ONE OR MORE SERIES TO FINANCE A PORTION OF THE ESTIMATED COST OF THE PROJECT FOR THE BENEFIT OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION THREE HUNDRED THOUSAND ($3,300,000) DOLLARS. The bonds when issued will be payable in not to exceed 25 annual installments. The bonds will bear interest at a rate not exceeding the maximum rate per annum permitted by law.

The Contract further provides that the City will lease the Project from the Building Authority and WILL PAY AS RENTAL TO THE BUILDING AUTHORITY ALL SUMS NECESSARY TO RETIRE THE PRINCIPAL OF AND INTEREST ON THE BONDS, TOGETHER WITH ALL COSTS OF OPERATING AND MAINTAINING THE PROJECT AND ALL COSTS of the Building Authority in connection therewith, regardless of whether the Project is completed or tenantable. The principal amount to be borrowed by the Building Authority will be indebtedness of the City for purposes of City Charter, statutory and constitutional debt limitations, and the principal amount, together with the City's rental obligation for payment thereof, may be increased to cover increased costs of the Project.

CITY CONTRACT OBLIGATION

BY VIRTUE OF THE CONTRACT AND ACT 31, ALL OF THE CITY'S REQUIRED PAYMENTS TO THE BUILDING AUTHORITY WILL BE LIMITED TAX FULL FAITH AND CREDIT GENERAL OBLIGATIONS OF THE CITY PAYABLE FROM ANY AVAILABLE FUNDS OF THE CITY, AND THE CITY WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE PROPERTY WITHIN ITS BOUNDARIES, TO THE EXTENT NECESSARY TO MAKE THE PAYMENTS REQUIRED TO RETIRE THE BONDS AND INTEREST THEREON, IF OTHER FUNDS FOR THAT PURPOSE ARE NOT AVAILABLE, AND AS LIMITED BY LAW. HOWEVER, THE OBLIGATION TO LEVY TAXES IS LIMITED BY APPLICABLE CONSTITUTIONAL, CHARTER AND STATUTORY TAX RATE LIMITATIONS.

IN THE EVENT THAT A SUFFICIENT PETITION REQUIRING AN ELECTION WITH RESPECT TO THE CONTRACT IS FILED, AS DESCRIBED BELOW, AND THE CONTRACT IS APPROVED BY VOTE OF THE ELECTORS, THE OBLIGATION TO LEVY AD VALOREM TAXES TO PAY THE PART OF THE CITY'S RENTAL OBLIGATION THAT WILL BE USED TO PAY DEBT SERVICE ON THE BUILDING AUTHORITY'S BONDS SHALL BE WITHOUT LIMITATION AS TO RATE OR AMOUNT.

THE PROPOSED CONTRACT SHALL BECOME EFFECTIVE WITHOUT VOTE OF THE ELECTORS OF THE CITY, AS PERMITTED BY LAW, UPON THE EXPIRATION OF 60 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE, UNLESS A SUFFICIENT PETITION REQUESTING AN ELECTION ON THE QUESTION OF WHETHER SUCH CONTRACT SHOULD BE EFFECTIVE, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN 45 DAYS FOLLOWING THE DATE OF PUBLICATION OF THIS NOTICE. If a sufficient petition is filed, the Contract shall not take effect without an approving vote by a majority of electors of the City voting on the question.

This Notice is given pursuant to the requirements of Section 8(b) of Act 31. Further information concerning the details of the proposed

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CONTRACT, THE PROJECT BEING FINANCED, AND THE MATTERS SET OUT IN THIS NOTICE MAY BE SECURED FROM THE CITY CLERK'S OFFICE.

MARILYNN SLADE
CITY CLERK,
CITY OF LANSING

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER ALLEN; A LETTER AND PETITION FROM THE EMPLOYEES AND CUSTOMERS OF TOM'S SHOP RITE ON W. WILLOW REGARDING HARASSMENT BY MEMBERS OF THE UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 951 AT THEIR STORE

REFERRED TO THE CITY ATTORNEY

2. FROM COUNCILMEMBER ALLEN; A PETITION SIGNED BY 29 RESIDENTS OF ASHLEY DR. REQUESTING THE INSTALLATION OF A THREE-WAY STOP SIGN AT THE INTERSECTION OF ASHLEY DR. AND HAVERHILL DR.

REFERRED TO THE MAYOR, THE TRAFFIC BOARD, AND THE COMMITTEE ON PUBLIC SAFETY

3. FROM COUNCILMEMBER ALLEN; A LETTER FROM ED CARPENTER OF LISKEY'S IN OPPOSITION TO THE PRINCIPAL SHOPPING DISTRICT

RECEIVED AND PLACED ON FILE

4. FROM COUNCILMEMBER ALLEN; A MOTION THAT THE RESOLUTION STATING AN INTENT TO ISSUE BONDS FOR THE SOUTH SIDE COMMUNITY CENTER BE RAISED FROM THE TABLE AT THIS TIME AND PLACED ON THE AGENDA FOR PASSAGE

HANDLED AS RESOLUTION #317

MOTION OF EXCUSED ABSENCE

BY COUNCILMEMBER ALLEN

TO EXCUSE COUNCILMEMBER BEAL FROM TONIGHT'S PROCEEDINGS

CARRIED UNANIMOUSLY

PUBLIC COMMENTS

WILLIAM HUBBELL OF 1847½ W. HOLMES RD., AN EMPLOYEE OF THE LANSING LUGNUTS, SAID THAT HE HOPES THE GROUND TRANSPORTATION CENTER IS UNDERWAY SOON. HE SPOKE IN SUPPORT OF THE CANCELLATION OF THE CITY COUNCIL MEETING SCHEDULE FOR THE SECOND SIX MONTHS OF 1996.

GEORGE WARREN OR 414 DORRANCE THANKED COUNCIL FOR HELPING WITH THE 21ST NORTH LANSING HERITAGE FESTIVAL AND URGED EVERYONE TO PARTICIPATE IN ACTIVITIES IN OLD TOWN. THE FIRST WEEKEND IN OCTOBER, OLD TOWN WILL HOST THE OKTOBERFEST ON TURNER STREET. HE THANKED JOE PANDY, BOARD OF WATER & LIGHT DIRECTOR, FOR THE COOPERATION THE OF THE BOARD IN PROVIDING ELECTRICITY FOR THE HERITAGE FESTIVAL.

CHRIS COTTER OF 2111 HARDING AVE. SPOKE REGARDING HIS REQUEST THAT THE L-HOP PROGRAM BE ABOLISHED TO FUND A FEE WAIVER FOR SENIOR CITIZENS AND OTHERS ON FIXED INCOMES, WHO CANNOT AFFORD TO PAY THEIR RAIN TAX (STORMWATER ENTERPRISE FUND FEES). CITY COUNCIL, HE SAID, SHOULD BE MORE CONCERNED ABOUT THE MORALE OF THE TAX PAYERS OF THE CITY.

LLOYD TEETS OF 116 E. ELM ST. SPOKE IN OPPOSITION TO THE L-HOP PROGRAM. HE SAID THAT THERE IS SOME RELATIVITY BETWEEN THE RATIO OF DEBT TO CITY OF LANSING TAX PAYER AND TO THE MEDIAN INCOME OF LANSING TAX PAYERS.

MARGE OJIBWAY OF 310 SEYMOUR #812, STATED A COMPLAINT REGARDING THE MANNER IN WHICH THE LANSING HOUSING COMMISSION MANAGES THE LANSING COMMONS APARTMENT COMPLEX.

ED SIMMER NO ADDRESS GIVEN, CRITICIZED MR. COTTER, CANDIDATE FOR INGHAM COUNTY DRAIN COMMISSIONER, FOR MISLEADING THE VOTERS OF THE CITY OF LANSING BY CAUSING THEM TO THINK THAT THE DRAIN COMMISSIONER HAS ANY AUTHORITY OVER THE RAIN TAX (STORMWATER ENTERPRISE FUND FEES).

LESLIE COVELL OF 208 E. GRAND RIVER THANKED COUNCILMEMBERS FOR PASSING THE PRINCIPAL SHOPPING DISTRICT ORDINANCE.

CHAD MARTINSON OF 121 W. HODGE SAID THAT THIS IS THE FIRST CITY COUNCIL MEETING HE HAS EVER ATTENDED, BUT IT WILL NOT BE HIS LAST. HE CRITICIZED THE L-HOP PROGRAM.

COUNCILMEMBERS COMMENTS

COUNCILMEMBER BAUER COMMENDED THE ADMINISTRATION ON THE BEAUTIFUL FIREWORKS DISPLAY ON JULY 4TH. SHE THANKED THE VOLUNTEERS OF MICHIGAN CAPITOL MEDICAL CARE CENTER FOR THE BUILDING OF THE MCREE HOUSE AND ANNOUNCED THE CELEBRATION OF IT'S 5TH YEAR, AND MORTGAGE BURNING CEREMONY, THIS SUNDAY BETWEEN 2-4:00 P.M.

COUNCILMEMBER ALLEN REPEATED HER REQUEST THAT THE CITY SCHEDULE THE SAME TYPE OF FIREWORKS CELEBRATION FOR NEXT JULY 4TH AS WAS HELD THIS YEAR.

COUNCILMEMBER LEEMAN THANKED COUNCILMEMBERS BENAVIDES AND LILLY FOR APPEARING AT THE JULY 4TH PARADE. HE TOO REQUESTED THAT WE HAVE THE SAME

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FIREWORKS CELEBRATION NEXT YEAR. HE THANKED ALL OF THE SPONSORS, PARTICULARLY THE LANSING SYMPHONY ORCHESTRA. HE ANNOUNCED THAT THE PUBLIC SERVICES COMMITTEE WILL RECEIVE THE ANSWERS TO THEIR QUESTIONS ABOUT THE CSO PROGRAM AND NPDES PERMITS AT THEIR MEETING NEXT TUESDAY AT 6:00 P.M. THE MEETING WILL BE TELEVISED AND WILL HAVE CALL IN CAPABILITY. HE REPORTED THAT THE TRAFFIC BOARD WILL TAKE UP THE ISSUE OF A REQUEST FOR A TURNING LANE AT THE INTERSECTION OF LARCH AND DOUGLAS AT THEIR MEETING ON JULY 10TH IN THE NORTH GRAND RAMP. INTERESTED PARTIES ARE URGED TO ATTEND.

COUNCILMEMBER JONES NOTED THAT THE MOST PETITIONS WERE NOT DISCUSSED AT THIS WEEK'S COMMITTEE OF THE WHOLE MEETING. THIS ISSUE WAS POSTPONED FOR ANOTHER WEEK, BECAUSE COUNCILMEMBER NOVAK WAS OUT OF TOWN AND UNABLE TO ATTEND. THE NEXT AGENDA WILL CONTAIN THE ISSUES OF THE WENTWORTH PARK STEAM CLOCK AND THE ETHICS ORDINANCE REVISION. HE SAID THAT THE STATE JOURNAL OWES AN APOLOGY TO THE CITIZENS WHO CURRENTLY UTILIZE WENTWORTH PARK, FOR DESCRIBING THEM AS DRUNKS.

CITY CLERK'S COMMENTS

CITY CLERK SLADE SPOKE REGARDING THE PETITION SIGNATURES SUBMITTED BY MOST. THERE ARE CERTAIN AREAS IN WHICH HER OFFICE HAS JURISDICTION AND OTHER AREAS IN WHICH SHE DOES NOT. CHARGES BY THE TASK FORCE THAT MISLEADING INFORMATION WAS CIRCULATED ALONG WITH THE PETITIONS ARE NOT WITHIN HER PURVIEW. CHARGES OF THIS NATURE WOULD HAVE TO BE TAKEN TO A COURT OF LAW. THERE IS NOTHING SHE CAN DO ABOUT THIS TYPE OF CHARGE. SHE IS RESPONSIBLE FOR THE PETITION AS IT IS SUBMITTED TO HER. SHE MUST RULE AS TO THE PROPRIETY, OR IMPROPRIETY OF SIGNATURES ON THE PETITIONS. HER OFFICE HAS A 15 DAY TIME FRAME IN WHICH TO CANVASS THE SIGNATURES AS SUBMITTED AND TO CERTIFY THEM. THIS DOES NOT ALLOW HER TIME TO LOOK AT CHARGES SUCH AS, WHETHER CIRCULATORS WERE PRESENT AT THE TIME THE SIGNATURE WAS GIVEN, DURING THE 15 DAY TIME FRAME. HOWEVER, SHE HAS EXPLAINED THE COMPLAINANT PROCESS TO THE TASK FORCE, AND AS OF THIS TIME HAS NOT RECEIVED A FORMAL COMPLAINT, AND NO INVESTIGATION IS CURRENTLY ON-GOING. HER OFFICE CANVASSED 5,082 SIGNATURES COLLECTED BY MOST, AND IN ORDER TO INVALIDATE THE PETITION DRIVE THE TASK FORCE WOULD HAVE TO BE ABLE TO REMOVE OVER 1,000 SIGNATURES FROM THE PETITIONS.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

MR. WIENER ANNOUNCED AN IMMUNIZATION CLINIC AT THE EAST SIDE NETWORK CENTER ON SATURDAY BETWEEN 10:00 A.M. AND 2:00 P.M.

ADJOURNED 9:45 P.M.
MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JULY 15, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmember Beal

Council President Jones announced that the Invocation would be observed as a moment of silence in memory of Pamela Hilton. The Pledge of Allegiance was led by President Jones

APPROVAL OF MINUTES

By Councilmember Allen

To approve the printed Council Proceedings of:

A. July 1, 1996

B. September 18, 25, October 2, 9, 16, 23, 30, November 6, 14, 20, 27, December 4, 11, and 18, 1995

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen:

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter from Mayor Hollister regarding the findings of the Board of Police Commissioners, on the Death of Edward Swans while in the Custody of the Lansing Police Department

2. From Councilmember Allen; a letter from Alan & Spring Kroll, no address given, regarding their request for Installation of Multi-way Stop Signs at the intersection of Berry Ave. and Tenny St.

3. From Councilmember Allen; a letter from Chief of Police Boles in response to Citizens Complaints about staffing levels and funding of overtime at the Lansing Police Department

PUBLIC HEARINGS

A. In consideration of Z-03-96, 330 Cloverland, Rezoning Petition from "A" Residential to "F" Commercial District to allow for the construction of a Commercial Storage Facility

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In consideration of Z-04-96, 4720 S. Cedar, Rezoning Petition from "A" Residential to "F" Commercial and "A" Residential Districts, to allow for the construction of a building for automobile glass replacement

Charles Dart of 404 E. Syringa spoke in opposition to the rezoning petition. This is the third time that rezoning petitions have been filed on this property. He stated that approximately 575 non-resident cars traverse this residential neighborhood on a daily basis. Traffic studies have shown many traffic problems in this heavily traveled residential neighborhood. They have proposed a compromise to the developer, however, he has refused to accept it. Therefore they will continue to oppose his rezoning request.

Jan Patrick of 328 E. Syringa spoke in opposition to the rezoning request. She submitted petition signatures from 106 neighbors opposing approval of the rezoning petition. There are many vacant properties in this area that are already commercially zoned and would benefit from redevelopment, but the developer refuses to consider them. She asked the neighbors who attended tonight to protest this rezoning to stand. Approximately 7 people stood to show their opposition.

Jim Smith of 214 E. Syringa spoke in opposition to this rezoning petition. There are many new families in their neighborhood who have young children and the safety of their children is their major concern.

Barb Smith of 214 E. Syringa said that she has a nephew that lives not far from her neighborhood in an area very similar to hers. He was recently hit by a car. She requested that Council vote no on this rezoning and preserve the safety of their neighborhood for the children.

Tom DeBoer, no address given, said that he is working with an Auto Glass Specialty Co. from

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Wisconsin on the development of this property. They are a large national retail company that does strictly auto glass replacement. Most of their work will be done off site, minimizing the amount of traffic at this location. They estimate a maximum of 6 cars daily on site. Their facility will be very clean and tidy with attractive landscaping. Their business hours would be from 8:00 A.M. to 5:00 P.M. Monday through Friday. There will be no Saturday or Sunday hours, so the only traffic they expect on the weekend would be from the delivery truck that will make daily deliveries of materials.

Ed Benson, who lives on Cloverland, stated his opposition to this rezoning and to the placement of a curb-cut onto Syringa Drive.

Emly Horne of 110 W. Hodge spoke in opposition to this petition. Her concern is for the quality of living in residential neighborhoods.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

C. In consideration of an Amendment to Chapter 888 by Adding a New Section, 888.10, for the purpose of Providing for the Payment of a Service Charge in Lieu of Taxes (P.I.L.O.T.) for a Project Known as Edgewood Glen

Lloyd Teets of 116 E. Elm St. stated his concern regarding the number of this type of project in the Lansing Area. He wants information regarding the impact of these tax abatements on the tax payers of the city.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENT

Barb Anderson of 524C Grenoble Dr. spoke in support of the resolution accepting the donation of a Steam Clock from the Rotary Club. This Clock Tower will be 28' high and 6' square and the sides will be glass panels so that you can see through it. Inside the tower will be a very valuable, turn of the century mechanism operating the clock. This structure will prove to be a tourist attraction and will play many different tunes which can be programmed to play at specific times of the year, such as; Christmas Carols during Silver Bells in the City and patriotic songs on the 4th of July. The term "Clock" is not really accurate. The proper terminology for this structure would be "Kinetic Sculpture."

Wayne Sternberg of the Rotary Club, spoke in support of the acceptance of their donation of a Steam Clock Tower. This project has received the support of many downtown businesses, as well as the Lansing 2000. They have received pledges of over $122,000 to fund the construction of the project and have already spent over $17,000 on plans.

Mark Hooper, President of the Lansing Rotary Foundation, charged with raising money for the project, urged Council's acceptance of their donation. His office is on this corner, and he believes the Steam Clock will be an asset to the downtown area. The value of the Steam Clock is approximately $150,000, and if you add the value of the time the Rotarians have spent and will spend on the project which is estimated at $50,000, you have a total project value of $200,000.

David O'Leary of 1925 Moores River Dr. asked that everyone in attendance tonight who support the acceptance of the donation of the Rotary Club Steam Clock to stand. Approximately 12 people stood. His family, he said, has been in business in Lansing for 105 years.

Tom Shiels of 1118 Riley spoke in support of the acceptance of the Rotary Club's donation of a Steam Clock Tower.

Lloyd Teets of 116 E. Elm St. spoke regarding a letter from Mayor Hollister submitting a resolution for Notice of Intent to Issue Bonds for the CSO Project. He advised City Council not to issue any more bonds for the CSO Project until the CARTO lawsuit has been settled. He spoke in support of the acceptance of the donation of the Rotary Club Steam Clock.

Chris Cotter of 2111 Harding spoke in opposition to any additional bonding for the CSO Project. He accused the City of not making it clear to residents that the Rain Fee will be charged to them every year for a period of 29 years.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Darryl Burgess of 1407 Prospect submitting FOIA requests regarding the Lansing Civic Center

REFERRED TO THE CITY ATTORNEY

B. Petition signed by 11 residents in the area of Inverness and Forbes, requesting a Parking Regulation Change on Inverness Ave.

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REFERRED TO THE MAYOR, THE TRAFFIC BOARD AND THE PUBLIC SAFETY COMMITTEE

C. Letter from Thomas A. Bruni of 445 E. Edgewood Blvd. #B regarding a traffic citation he received

REFERRED TO THE MAYOR

D. Letter from Marj Ojibway of 310 Seymour Ave. #812 regarding a conflict she has with the Housing District Supervisor of the Lansing Housing Commission

RECEIVED AND PLACED ON FILE

E. Letter from State Senator Dianne Byrum regarding the "Subdivision Control Act" and it's renaming to "Land Division Act"

REFERRED TO THE MAYOR

F. Non-Profit Status request from Capital City Sports Club of 3220 Walker St.

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON GENERAL SERVICES

G. Notice from the State of Michigan Public Service Commission of a Hearing for the Customers of Consumers Power Company Case #U-11108 on July 25, 1996 at 9:00 A.M.

RECEIVED AND PLACED ON FILE

H. Letter from Frank DeRose, Jr. of 832 King Crt. in East Lansing requesting that the newly rebuilt Shiawassee Street Bridge be named in memory of Cesar Chavez and that a Cesar Chavez Center be developed at the City Market

REFERRED TO THE MAYOR AND THE MEMORIAL REVIEW BOARD

MAYOR'S COMMENTS

Mayor Hollister asked that the letter from the Board of Police Commissioners, regarding the death of Edward Swans while in the custody of the Lansing Police Department, be referred to the Committees on Public Safety and Ways and Means.

He outlined the memo from Chief Boles in response to comments at last week's meeting regarding the Police Department Overtime Budget.

He thanked Councilmember Jones for keeping the acceptance of the donation of the Rotary Club Steam Clock on schedule.

Councilmember Allen asked if the appointments to the Memorial Review Board had been completed.

Mr. Wiener responded that there is only one appointment to the Memorial Review Board that has yet to be made. They are in the process of scheduling the Organizational meeting of this Board.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS:
Transfer Class C; Add Partner, TMO

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Robert Haslip v City of Lansing

RECEIVED AND PLACED ON FILE

D. Letter from Ron Onufer, Principal Legislative Assistant submitting two requests for Community Use Funds that he received from Mayor Hollister's Office

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

E. Letters from the Mayor re:

1/ Letters of Appreciation

RECEIVED AND PLACED ON FILE

2/ Notice of Intent to Bond, Phase II Segment 3, Combined Sewer Overflow Project

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON WAYS AND MEANS

3/ Transfer of Funds; Parks and Recreation, LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Regarding the Citizen Police Academy

RECEIVED AND PLACED ON FILE

5/ Newark Evening News articles regarding Baseball in the 1900's

RECEIVED AND PLACED ON FILE

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6/ CATA Fare Rates

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ Appointment of Robert W. Ryan to the Memorial Review Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

8/ Letter in Support of the Sewer Rate Change from Gary Ignat of Melody Farms

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9/ Grant Acceptance; $42,963 Victims of Crime Act

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

RESOLUTION #318
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the traditional Fourth of July celebration in the Capital City received a double dose of great music and rockets' red glare this year thanks to a special event at Oldsmobile Park showcasing the Lansing Symphony Orchestra; and

WHEREAS, the City of Lansing once again sponsored the holiday performance by the Lansing Concert Band in Riverfront Park, and the concert-ending fireworks show "Lights Over Lansing, was undertaken and sponsored through the leadership of Q106 Radio, with financial assistance from the State Employee Credit union, Bake N Cakes, Melting Moments Ice Creams, the Accident Fund, Mooney Oil Corporation, and the Lansing State Journal, and with coordination by Parks and Recreation Director Eric Reickel and his staff members Phil Dorland, Murdoch Jemerson and Diane Townsend; and

WHEREAS, with the Lugnuts on the road, LEPFA Chief Executive officer Peter Sullivan brought in Scott Breckner and his Breslin Center Promotions team, including Tara Cheney, Betsy Barlow, and volunteer Laurel Winkel, to package an event at Oldsmobile Park, working with Lugnuts Director of Operations Rick Sneed and Box office manager Greg Rausch to set up the stadium and sell tickets; and

WHEREAS, Scott secured authorization from MSU Assistant Vice President for Operations/Treasurer Roger Wilkinson to underwrite the Lansing Symphony Orchestra's concert, with help from Kevin Meyer of Windfall Talent, and the stadium fireworks show set off by Larry Holley and Roger Bonney of Hobo Fireworks, thanks to financial assistance from the MSU Health Team, WFMK Radio, and WLNS TV-6; and

WHEREAS, immediate feedback from the 4,000 people in the stadium and the tens of thousands in and near Riverfront Park expressed their pleasure that the double show was the best that any could remember;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby commends and congratulates the above-named individuals and organizations for their hard work and support that made the Fourth of July, 1996, a wonderful night of entertainment and an outstanding success for downtown Lansing.

By Councilmember Lilly

Carried unanimously

RESOLUTION #319
P-1-96, Wise Estates,
Final Preliminary Plat Approval
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING

WHEREAS Gerald S. Fedewa, proprietor, has requested final preliminary plat approval of Wise Estates, a single family residential subdivision along the west side of the 5800 - 5900 blocks of Wise Road, and

WHEREAS the plat is 2.21 acres in size and contains ten (10) lots, numbered 1 through 10 inclusive, with one outlot, to be developed with single family homes, and

WHEREAS the property is zoned "A-1" Residential District, which is appropriate for the proposed single family residential development with a net density for this plat being 4.525 dwelling units per acre, and

WHEREAS the Planning Board found, based on testimony and evidence, that the proposed development is in substantial conformance with the tentative preliminary plat that was approved with conditions by Council on May 20, 1996 and includes the applicable information as set forth in the Subdivision Regulations, and

WHEREAS the Lansing Planning Board, at their June 18, 1996 meeting, voted unanimously (6 yeas; 0 nays) to recommend approval of the Final Preliminary Plat of Wise Estates, with conditions, and

WHEREAS the Committee on Development and Planning of City Council has reviewed the report of the Planning Board and concurs therewith,

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NOW THEREFORE BE IT RESOLVED that the City Council hereby approves the final preliminary plat of P-1-96, Wise Estates Subdivision with the following conditions:

1. Right-of-way and street dimensions must be shown for Wise Road in addition to a 25, utility easement be provided across the east property line of Outlot A.

2. Lot 2 may not have sufficient sight distance to assure safe vehicular sight distance. The applicant must provide a diagram showing the sight lines around the pedestrian skywalk for Lots 2 and 3 prior to final plat approval.

3. A sidewalk shall be provided within the public right-of-way along Wise Road for the entire length of the plat. Design of said sidewalk must conform to the City of Lansing's Department of Public Service design standards. The sidewalk shall provide reasonable access to the pedestrian skywalk located between Outlot A and Lot 2. The entire sidewalk must be completed within three years of the date of final plat approval by City Council, regardless of whether or not the lots are built upon.

4. The final plat shall be developed with all public improvements as required by the Lansing Subdivision Regulations and the Michigan State Plat Act.

5. All lots shall be graded so surface water will drain therefrom so as not to adversely affect adjacent properties.

6. A note shall be on the face of the plat stating that all utilities, public and private, are to be provided to the individual lots through underground conduit located within public and private easements.

7. The plat shall be developed in compliance with requirements of all responding agencies.

8. This final approval of the preliminary plat is effective for a period of two (2) years.

By Councilmember Lilly

Carried unanimously

RESOLUTION #320
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
ACT-12-96,
RR ROW at South and Beech Streets,
Acquisition For Transfer Station

WHEREAS, the City of Lansing, Public Services Department, Operations and Maintenance Division has requested that the City of Lansing acquire a .39 acre parcel of property near South and Beech Streets, and is also interested in acquiring a Grand Trunk Railroad property running southwesterly through the transfer station site; and

WHEREAS, these acquisitions would allow the transfer station to function more efficiently and to store heavy equipment and materials; and

WHEREAS, the Planning Board conducted an ACT 285 Review (ACT-12-96) of the proposal; and

WHEREAS, on June 4, 1996, the Planning Board recommended approval of the request to acquire .39 acre parcel of property at South and Beech Streets and recommended further that the city negotiate and acquire the Grand Trunk Railroad property running southwesterly through the Transfer Station site; and

WHEREAS, the Committee on Planning and Development has reviewed the report and recommendation of the Planning Board and recommends the City negotiate the purchase of said property and determine whether the owner will sell it for fair market value;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the administration to enter into negotiations for the purchase of the .39 acre of real property located at South and Beech Streets, Lansing, Michigan, subject to compliance with the requirements of the City Charter and real property acquisition ordinance, and further subject to final City Council approval.

By Councilmember Lilly

Carried unanimously

RESOLUTION #321
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
ACT-13-96
216 E. Grand River Avenue

WHEREAS, the City of Lansing has considered the purchase of property located at 216 E. Grand River Avenue in the Old Town Historic District, and the demolition of the building for expansion of Burchard Park and the creation of a public square to help stimulate overall neighborhood redevelopment; and

WHEREAS, the 6,953 square foot parcel, located on the south side of E. Grand River Avenue opposite the end of Turner Street, is situated

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adjacent to Race Street and near the City owned parking lot next to Burchard Park and the Brenke Fish Ladder. The property sits at an elevation of 825 feet, or approximately one (1) foot below the elevation of the Grand River's 100 year flood level; and

WHEREAS, responses in support of the measure were received from the North Lansing Community Association and the Old Town Commercial Association; and

WHEREAS, the Planning Board, at its meeting of June 18, 1996, unanimously (6-0) recommended approval of the request to purchase the property and demolish the building for expansion of Burchard Park in order to help stimulate overall neighborhood redevelopment; and

WHEREAS, the Mayor concurs in the recommendation of the Planning Board; and

WHEREAS, the Committee on Development and Planning of City Council has reviewed the report and recommendation of the Planning Board and recommends the City negotiate the purchase of said property and determine whether the owner will sell it for its fair market value;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the administration to enter into negotiations for the purchase of 216 E. Grand River Avenue, Lansing, Michigan, subject to compliance with the requirements of the City Charter and real property acquisition ordinance, and further subject to final City Council approval.

By Councilmember Lilly

Carried unanimously

RESOLUTION #322
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing pursuant to resolution #504 passed August 29, 1994 will acquire 506 W. Genesee, parcel 3301-16107-141-2 in the 500 Block of West Genesee Street, as part of an acquisition and redevelopment strategy to develop new single family homes in the Block face; and

WHEREAS, the City has been working with the Michigan Non-Profit Real Estate Development Corporation, who have formalized a partnership with a private developer, to implement the proposed development for the 500 Block of West Genesee; and

WHEREAS, the proposal to develop single family homes on the site would contribute to the improvement and redevelopment of the residential neighborhood, and would be consistent with the zoning code and existing development in the area; and

WHEREAS, the property in question is strategic to the redevelopment plan and will be needed by the nonprofit to begin implementation;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council authorize the sale of the property located at 506 W. Genesee Street legally described as:

> The East 3 1/3 rods of the West 7 Rods of Lot 6, Block 73, Original Plat, City of Lansing, Ingham county, Michigan, according to the recorded Plat thereof, as recorded in Liber 7 of deeds, page 592,

to the Michigan Non-Profit Real Estate Development Corporation, a Michigan nonprofit corporation, by quit claim deed, for the sum of one Dollar ($1.00) plus all closing costs, subject to the condition that the City completes the acquisition of the described property.

BE IT FINALLY RESOLVED the mayor is authorized to sign and execute all necessary documents to effectuate the sale and transfer of property, subject to their approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #323
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, The Federal Intermodal Surface Transportation Act (ISTEA) of 1991 established "High Priority Corridors" on the National Highway System (NHS); and,

WHEREAS, the City of Lansing is prospectively located in a Corridor Known as the Great Lakes /Mid-Atlantic Corridor, and,

WHEREAS, the proposed corridor, also known as I-73/I-74, would run from Charleston, South Carolina to Sault St. Marie, Michigan and would clearly help achieve international and national goals including promoting economic development, integrating regions; improving travel efficiency, increasing safety, and promoting benefits of the North American Free Trade Act (NAFTA), and,

WHEREAS, U.S. 127 in the Lansing area would be

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redesignated as part of the National Highway System, and

WHEREAS, benefits to the region and the redesignation of U.S. 127 in the Lansing area as part of the National Highway System would be numerous, including improved traffic safety, job creation, economic expansion and enhanced economic development opportunities.

NOW, THEREFORE BE IT RESOLVED that the City of Lansing endorses the inclusion of ~~U.S. 127~~ THE EXISTING LANSING EXPRESSWAY SYSTEM traversing through the Lansing area within the proposed I-73/I-74 traffic corridor, and,

BE IT FURTHER RESOLVED that the City of Lansing offers its encouragement and assistance to elected representatives, business organizations, governmental officials and the citizens of Lansing in their efforts to secure approval and the necessary funding for an I-73/I-74 traffic corridor serving the City of Lansing located in Ingham County.

By Councilmember Lilly

To accept a friendly amendment proposed by Councilmember Novak to amend the NOW THEREFORE BE IT RESOLVED paragraph to read:

"NOW THEREFORE BE IT RESOLVED that the City of Lansing endorses the inclusion of THE EXISTING LANSING EXPRESSWAY SYSTEM traversing through the Lansing area within the proposed I-73/I-74 traffic corridor, and,"

and to place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #324
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

ACT-9 -96
Northeast Corner of Grand & Michigan Avenue
Lansing Rotary Club Steam Clock

WHEREAS, the Lansing Rotary Club has presented a proposed to, at its sole cost and expense, construct on the northeast corner of Michigan and Grand Avenues in Wentworth Park a structure containing a steam clock with programmable carillon as a public park attraction; and

WHEREAS, the Park Board, at its March 20, 1996 meeting, made a recommendation that the Mayor seriously consider the proposal of the Rotary Club to construct the steam clock in Wentworth Park and the Director of the Parks and Recreation Department has determined that the steam clock and carillon upon construction and donation to the City will be a public park attraction; and

WHEREAS, the Planning Board conducted an ACT 285 review (ACT-9-96) of the proposal, including a public hearing on April 2, 1996 at which two representatives of the applicant spoke in favor of the request, indicated that the Board of Water and Light would keep the structure clean and free of graffiti and would maintain the steam pipe, and that the Rotary Club would set up and escrow funds for maintenance so that the City would not be required to maintain the clock; and no one spoke in opposition; and

WHEREAS, the Planning Board at its April 16, 1996 meeting voted unanimously (6-0) to recommend approval of the proposal with the following four conditions:

(1) the appropriate conveyance of the property be determined by the City Attorney's office;

(2) additional landscaping be installed to soften the rough edges around the clock because landscaping will be removed;

(3) the Rotary Club be responsible for all maintenance on the clock; and

(4) the Rotary Club plant a tree at Turner-Dodge Mansion on Arbor Day as reparation for the removal of two trees in Wentworth Park; and

WHEREAS, the Mayor concurs in the recommendation of the Planning Board; and

WHEREAS, the Lansing Rotary Club made a presentation to the Committee on Development and Planning and through the club's representatives, have explained that their proposal includes donation of the structure and internal mechanisms of the clock and carillon to the City upon completion of construction and that the Lansing Rotary Club will establish by agreement for the maintenance of the structure and internal mechanisms by the Board of Water and Light; and

WHEREAS, the Committee on Development and Planning concurs with the proposal as presented to it;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council approves the construction of the steam clock structure and mechanisms, including carillon, by the Lansing Rotary Club on the northeast corner of Michigan and Grand Avenues in Wentworth Park subject to the following conditions:

1. The construction shall be in accordance with the schematic scaled drawing prepared by the

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Verdin Design Group and submitted by the Lansing Rotary Club to the City with its proposal.

2. The location of the structure shall be in the area of Wentworth Park as designated in the proposal.

3. The Lansing Rotary Club shall enter into a temporary license with the City for construction purposes.

4. The construction shall be performed entirely at the Lansing Rotary Club expense and be done in a prompt, safe and workmanlike manner, and the Lansing Rotary Club first obtains all necessary permits and insure and indemnify the City against all claims by any contractor, subcontractor or third party arising from or in any way related to the construction of the structure and its mechanisms.

5. Additional landscaping shall be performed and plantings made near the steam clock, particularly near the benches to soften the loss of landscaping and the increase in concrete.

6. The Lansing Rotary Club shall be responsible for the continued maintenance of the steam clock, carillon, other working machinery, and the exterior landscaping as long as the clock remains in this location unless the Board of Water and Light shall agree in writing to be responsible for such maintenance.

7. If the Parks and Recreation Department deems it appropriate, a tree shall be planted by the Lansing Rotary Club on the grounds of the Turner Dodge Mansion at the request of the Box 23 Club to replace the existing tree in Wentworth Park commemorating the firefighters who died in the Hotel Kerns fire.

BE IT FURTHER RESOLVED before any historical plaque or memorial is placed on the site, the matter shall be reviewed by the ~~Memorial Review Board,~~ MAYOR AND THE CITY ATTORNEY and IF FOUND TO BE WITHIN THE PARAMETERS OF THE EXISTING ORDINANCE, IT WILL BE SUBMITTED TO THE CITY CLERK AND THE MEMORIAL REVIEW BOARD.

BE IT FINALLY RESOLVED the Mayor, on behalf of the City, is authorized to execute such documents as may be necessary to effectuate this project, subject to their approval as to form by the City Attorney.

By Councilmember Lilly

To amend the resolution in the BE IT FURTHER RESOLVED paragraph to state:

"BE IT FURTHER RESOLVED, before any historical plaque or memorial is placed on the site, the matter shall be reviewed by the MAYOR AND THE CITY ATTORNEY, AND IF FOUND TO BE WITHIN THE PARAMETERS OF THE EXISTING ORDINANCE, IT WILL BE SUBMITTED TO THE CITY CLERK AND THE MEMORIAL REVIEW BOARD."

and, to place an affirmative roll on the resolution as amended.

ADOPTED BY THE FOLLOWING VOTE:

YEAS; 6

NAYS: 1 (Councilmember Jones dissenting)

ABSENT: 1

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a letter from Mayor Hollister regarding the findings of the Board of Police Commissioners in the Death of Edward Swans while in the Custody of the Lansing Police Department

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON WAYS AND MEANS

2. From Councilmember Allen; a letter from Alan & Spring Kroll, no address given, regarding their request for Installation of Multi-way Stop Signs at the intersection of Berry Ave. and Tenny St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. From Councilmember Allen; a letter from Chief of Police Boles in response to Citizens Complaints about staffing levels and funding of overtime at the Lansing Police Department

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Beal from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

David Reed, homeless in Lansing, stated that he filed a lawsuit #9684005CZ against the City today in Circuit Court. He offered to work with the City to solve the problems of the homeless population.

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Helen Fiser of 12100 S. Cork in Morrice spoke in opposition to the Notice of Intent to Bond on Phase II of Segment 3 of the CSO Project. She accused Mayor Hollister of being untruthful with the citizens on this issue.

Lloyd Teets of 116 E. Elm St. said that he will be in Council Chambers tomorrow at 6:00 P.M. for the Public Services Committee meeting where they will receive answers from the Administration to the CSO Project questions. He called on the Ingham County Drain Commissioner to make a stand on the rain tax (Stormwater Enterprise Fund fees).

Richard Fiser of 12100 S. Cork asked about the source of the annoying squeak that is being heard by the audience. This noise is making it difficult for them to follow the meeting.

Paul Scott of 412 W. Kilborn reported that the Cities of Lansing and East Lansing are hosting the Michigan Association of Regions this week. He hopes to see a good representation of City Council Members in attendance. He asked Council to reconsider the development of the parcel they purchased tonight on Grand River at Turner St. He would like to see a connecting archway leading into the park put at this location. He said that the City lost another Historic Structure last weekend and urged the Administration to move forward on the hiring of a preservationist.

Chris Cotter of 2111 Harding stated his belief that the rain tax (Stormwater Enterprise Fund fees) is a violation of the Headley Amendment.

COUNCILMEMBERS COMMENTS

Councilmember Lilly reported that Sunday the Lugnuts broke attendance records when 10,024 fans attended their game. This puts them at the 350,000 attendance mark to date. He criticized the financial analysis, supplied by the Chamber of Commerce and printed in the State Journal, for containing incorrect figures and data that was improperly analyzed. We could be seeing a windfall in terms of revenues in the future and, in that event, we need to be sure that we are looking at the right numbers. The Chamber's Report does not help in this respect.

Councilmember Leeman reported that tomorrow evening, at 6:00 P.M., the Public Service Committee will hear the answers to their questions about the CSO Project. This meeting will be televised on Channel 28 and will have call-in capability. This week's Concert in the Park will be held at Comstock Park and will feature the Capitol City Jazz Band. He confirmed the regularly scheduled meeting of the Committee on Ways and Means this Thursday at 3:30 P.M.

Councilmember Allen confirmed the regularly scheduled meeting of the Public Safety Committee tomorrow at 3:00 P.M.

Councilmember Benavides asked that Item X E-4, letter from the Mayor regarding the Citizen Police Academy, receive publicity, This item could prove to be extremely important to neighborhoods. He commended CATA on their rate reduction for students, which begins on October 19, 1996 and confirmed the regularly scheduled meeting of the General Services Committee for tomorrow morning at 10:30 A.M.

Councilmember Novak stated his opinion that it would be irresponsible of the City to consider any millage reductions with the infrastructure problems we are currently facing. Street funding may eventually be able to be reduced, in order to provide some relief, but that is in the future. The City currently pays for a lot of services which are regionally utilized such as Potter park Zoo, which should be regionally funded in order to provide some relief for Lansing tax payers. He hopes the Chamber of Commerce will be helpful in promoting regionalism.

Council President Jones noted that the Lugnuts could well break attendance records.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener stated that the Notice of Intent to bond on the CSO Project is an attempt to get State Revolving Loan Funds to help pay for this project. If it is possible for the City to get monies through bonding at a reasonable cost, We should do so. This is simply an inexpensive way of getting funding for an on-going project.

ADJOURNED 9:15 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JULY 22, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember Allen

CONSIDERATION OF LATE ITEMS

By Councilmember Allen:

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter from Carol Mitchell of 218 Dunlap regarding the resurfacing of City streets

2. From Councilmember Leeman; a resolution approving transfer of funds

3. From Councilmember Leeman; a committee report recommending the adoption of an amendment to chapter 1026

4. From Councilmember Leeman; an ordinance for adoption amending chapter 1026 accepting and conforming with the amendment to Chapter 812 on July 8, 1996

5. From Councilmember Leeman; a resolution approving Notice of Intent to Issue Bonds for the CSO/Tollgate Drain Project

6. From Councilmember Leeman; a letter from Charles DeMaso of 1110 Platt St. regarding a shooting in the River Point Neighborhood

7. From Councilmember Novak; a request that the rules be suspended to add a special ceremony for the presentation of the resolution on tribute to Space Day

SPECIAL CEREMONIES

A. Eastern High School Principal, Ricardo Briones, along with Mayor Hollister's Executive Assistant, David Wiener, presented plaques commemorating the contributions and accomplishments of Karate Masters Sensei Iha and Sensei Katsuya Miyahira. The Sister City Commission also presented the two Karate-Do Masters with gifts on behalf of the City.

B. City Clerk, Marilynn Slade introduced City Employees; Mike Aldrich, Robert Alim-Young, Jim McCue, Kecia Coats, Lisa Phillips and Ron Onufer and extended to them her thanks and commendations for the Creation of the City's Internet Web Site.

C. Council President Jones presented a Resolution of Tribute to David Navrilla of the Allstate Foundation and to Susy Carter of the Lansing Safety Council for a $4,000 donation for the purchase of bicycle helmets, to be used in conjunction with Distribution of Unclaimed Bikes.

AT THE REQUEST OF PRESIDENT JONES THE FOLLOWING SPECIAL CEREMONY WAS ADDED TO THE AGENDA:

D. Presentation of a Resolution of Tribute and Certificates of Recognition to the Sponsors of the Oldsmobile Park 1996 Fourth of July Fireworks Celebration

E. Council President Jones presented a Resolution of Tribute in recognition of "Space Day"

PUBLIC HEARINGS

A. In consideration of Z-05-96, Vacant Land at the SW Corner of S. Martin Luther King blvd. and Mary Ave., Rezoning from "F" Commercial and "J" Parking to "F" Commercial Districts filed by Joseph P. Maguire, Wolverine Development to allow for future commercial development

Tom Burchman, speaking on behalf of the Maguire Family Petitioners in this Case, requested Council's support of this rezoning.

Councilmember Allen asked Mr. Burcham what future development plans for this site are. Mr. Burcham responded that there are no specific plans at this time, but the property would probably be used in an automotive related capacity.

Lloyd Teets of 116 E. Elm St. asked why this rezoning is necessary. This property was the site of a commercial business prior to the fire that demolished the former building. There should be

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enough latitude within the zoning descriptions that would allow this property to be used as requested without a rezoning.

Councilmember Lilly answered that this property was previously occupied by a restaurant. At that time only the restaurant itself was zoned commercially. while the remaining property was zoned J-Parking to accommodate the patrons parking needs. That is why the property must now be rezoned so that the whole parcel is zoned commercially.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In consideration of Z-06-96, 206 E. Grand River Ave., Rezoning from "F-1" Commercial to "G-1" Business District filed by Richard Karp to allow for Commercial/Office use of the existing building following it's rehabilitation

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

Michael Alexanian of 838 Stuart Ave., E. Lansing, said that he is here tonight to add his congratulations and commendations to those of the City for Karate-Do Masters Sensei Iha and Sensei Miyahira. He invited Councilmembers to attend the Monday, July 29, 1996 Picnic at Potter Park that is being held in honor of the Japanese Delegation visiting from our Sister City Otsu, Japan. He announced the formal ribbon cutting of Lansing's first Japanese Garden and Cultural Center on September 22, 1996.

David Reed, homeless in Lansing, spoke regarding a lawsuit he has filed against the City in Ingham County Circuit Court.

Lloyd Teets of 116 E. Elm St. commented on the letter from the Chamber of Commerce opposing revision of the City's Sewer Rate Methodology. He supports a change from the current methodology to a commodity based fee. He spoke against the retention of former Chief Assistant City Attorney Melvin McWilliams as Outside Legal Counsel to represent the City in two labor disputes. He stated his opposition to the resolution of notice of intent to issue bonds for the CSO Project.

Tom LaMachia of 1806 W. Michigan Ave. asked Council to delay acting on the resolution

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from the Michigan Municipal League regarding their annual meeting to be held on Mackinac Island on September 26-28, 1996

RECEIVED AND PLACED ON FILE

B. Letter from the Lansing Tri-County Employment & Training Partnership submitting their Annual Report

RECEIVED AND PLACED ON FILE

C. letter from State Representative Lynne Martinez regarding Environmental Site Assessment Grants awarded to the City for; Estes Furniture, Heatherwood Farms and Drakes Refinery Station

REFERRED TO THE MAYOR

D. Letter from the Lansing Regional Chamber of Commerce opposing revision of the City's Current Sewer Rate Methodology

REFERRED TO THE MAYOR AND THE COMMITTEE ON WAYS AND MEANS

MAYOR'S COMMENTS

Mayor Hollister had no comments at this time.

Councilmember Allen asked the Administration to look into complaints she has been receiving from residents of the Terraces Apartment Complexes that they are being evicted without due notice.

Councilmember Bauer asked the Administration about the status of the Lindell Drop Forge Property. She has received several complaints about the state of this site. When will it be cleaned up. She also inquired as to the progress on the search for a site for the South Side Library.

Mr. Wiener reported that the South Side Police Precinct has offered their building as a location for the South Side Library.

Councilmember Allen added that the South Side Police Precinct will take the portion of the Library that they can manage and any remaining portion will be located in the Senior Center on Miller Rd.

CITY OFFICER AND BOARD REPORTS

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A. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letters from the City Attorney re:

1. Goodrich Builders, Inc. v City of Lansing

RECEIVED AND PLACED ON FILE

2. American Eagle Fireworks, et al v City of Lansing, et al

RECEIVED AND PLACED ON FILE

3. David J. Reed v City of Lansing

RECEIVED AND PLACED ON FILE

4. William G. Ensley, et al v City of Lansing, et al

RECEIVED AND PLACED ON FILE

5. Selection of Melvin McWilliams as outside Legal Counsel on two Labor Matters involving Teamsters 580 and FOP Non-Supervisory Division

RECEIVED AND PLACED ON FILE

C. Letters from the Mayor re:

1/ Letters of Appreciation

RECEIVED AND PLACED ON FILE

2/ Transfer of Funds: Parks and Recreation and LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Grant Application: Michigan Transportation Economic Development Funds

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING AND THE COMMITTEE ON WAYS AND MEANS

4/ Letter from David A. Burge regarding the Proposed Billboard Moratorium

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5/ Grant Acceptance: Arts and Cultural Projects

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Establishing a Historic District Study Committee to provide a Recommendation Regarding a Local Historic District at the Mourer -Foster Building at 615 N. Capitol Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7/ Letter from Emogene Callahan protesting the closing of the Lansing Branch Libraries

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

RESOLUTIONS

RESOLUTION #325
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Ida Bryanton, 1217 North Homer, to fill a vacant seat on the Cable and Telecommunications Advisory Board (all eight members appointed at-large), to a term that will expire June 30, 2000; and

WHEREAS, the Committee on General Services has interviewed Ms. Bryanton, found her to be well-qualified and enthusiastic about her duties as a Board member, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Ida Bryanton to the Cable and Telecommunications Advisory Board for a term to expire June 30, 2000 .

By Councilmember Benavides

Carried unanimously

RESOLUTION #326
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has re-appointed Elizabeth Aldrich, 3712 Wainwright Avenue, to the Cable and Telecommunications Advisory Board (all eight members appointed at-large), for a new four year term that will expire June 30, 2000; and

WHEREAS, the Committee on General Services recommends confirmation of the Mayor's re-appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the re-appointment of Elizabeth Aldrich to the Cable and Telecommunications Advisory Board for a term to expire June 30, 2000.

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By Councilmember Benavides

Carried unanimously

RESOLUTION #327
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded several applications for City licenses and permits, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services recommends that the licenses and permits be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

CLASS A WRECKER SERVICE LICENSE

Bob Finley, d.b.a. Bill's Heavy Duty Wrecker Service, 123 E. Hodge, Lansing (7 wreckers)

CLASS B WRECKER SERVICE LICENSE

Eugene D. Hetherington, d.b.a. Butch's Towing, 265 N. Aurelius, Mason (1 wrecker)

Jerry Luoma, d.b.a. Jerry's Automotive, 5544 S. M.L. King Blvd., Lansing (1 wrecker)

VEHICLE FOR HIRE LICENSE

Capitol Transport, L.L.C., d.b.a. Spartan Cab & Yellow Cab, 229 S. Cedar, Lansing (31 vehicles)

John F. Androsac d.b.a. Lansing Limousine Service, 1090 W. Grand River Ave., Okemos (5 vehicles)

SECOND HAND DEALER LICENSE

Funco, Inc., d.b.a. Funcoland, 438 E. Edgewood Blvd., Lansing

By Councilmember Benavides

Carried unanimously

RESOLUTION #328
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, TAFA, Inc. (stockholder: Thomas A. Fata, 1008 Fitting, Lansing) has applied to the Michigan Liquor Control Commission to transfer ownership of a 1996 Class C licensed business, doing business as Tony's Lounge, located at 2706 North Grand River Avenue, from Tony's Lounge, Inc.; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from TAFA, Inc., to transfer ownership of a 1996 Class C licensed business, located at 2706 North Grand River Avenue, from Tony's Lounge, Inc., is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

RESOLUTION #329
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Take Me Out to the Ballgame, L.L.C., an Illinois limited liability company (members: Campus Green Baseball, Inc., of Bedford Park, Illinois, Thomas Dickson of Evanston, Illinois, and Tony Lydon of Rosemont, Illinois), has applied to the Michigan Liquor Control Commission to be added as co-licensee in a 1996 Class C licensed business, located at Oldsmobile Park, 505 East Michigan Avenue; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Take Me Out to the Ballgame, L.L.C., to be added as co-licensee in a 1996 Class C licensed business, located at Oldsmobile Park, 505 East Michigan Avenue, is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

RESOLUTION #330
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has reappointed Robert Brown, Jr., 1912 Kuerbitz Drive, to the Fourth Ward seat on the Board of Fire Commissioners,

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FOR A TERM TO EXPIRE JUNE 30, 2000; AND

WHEREAS, THE COMMITTEE ON PUBLIC SAFETY HAS INTERVIEWED THE APPOINTEE AND FOUND HIM TO BE EXCEPTIONALLY WELL QUALIFIED TO SERVE ON THIS BOARD;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE REAPPOINTMENT OF ROBERT BROWN, JR., TO THE FOURTH WARD SEAT ON THE BOARD OF FIRE COMMISSIONERS, FOR A TERM TO EXPIRE JUNE 30, 2000.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #331
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$75,000	FUND BAL.-GEN. FUND 101-0-390001-0	CAPITAL PROJ.-CTRL 101-933901-992200-0
$75,000	CAPITAL PROJ.-CTRL 101-933901-992200-0	OPER.TRANS.-CAP. PROJ. 101-933690-992200-0
$75,000	EST. REV.-INFRASTRUCTURE 410-0-170001-0	DETENTION IMPR. 410-933690-975000-43833

(IMPROVEMENTS TO DETENTION FACILITY FOR PRISONER RESTRAINT AND VIDEO MONITORING PER POLICE BOARD RECOMMENDATION. REVENUE DETAIL ACCOUNT 410-0-696101-0)

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #332
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE INGHAM COUNTY/CITY OF LANSING COMMUNITY CORRECTIONS ADVISORY BOARD HAS SUBMITTED THE FY96-97 APPLICATION FOR STATE OF MICHIGAN COMMUNITY CORRECTIONS ACT FUNDS FOR REVIEW AND APPROVAL BY THIS COUNCIL PRIOR TO SUBMISSION TO THE STATE OFFICE OF COMMUNITY CORRECTIONS; AND

WHEREAS, THE INGHAM COUNTY BOARD OF COMMISSIONERS WILL CONSIDER THE APPLICATION AT THE BOARD'S JULY 23, 1996, MEETING; AND

WHEREAS, THE COMMITTEE OF THE WHOLE HAS REVIEWED THE APPLICATION AND HAS RECOMMENDED COUNCIL APPROVAL;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE INGHAM COUNTY/CITY OF LANSING COMMUNITY CORRECTIONS ADVISORY BOARD APPLICATION TO THE MICHIGAN DEPARTMENT OF CORRECTIONS FOR RENEWAL OF THE CCAB GRANT COVERING OCTOBER 1, 1996, THROUGH SEPTEMBER 30, 1997; AND

BE IT FURTHER RESOLVED THE CLERK IS DIRECTED TO SEND COPIES OF THIS RESOLUTION TO THE CCAB AND TO THE INGHAM COUNTY BOARD OF COMMISSIONERS.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

ITEM XII D-2, RESOLUTION APPROVING THE RETENTION OF OUTSIDE LEGAL COUNSEL, WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BEAL AND REFERRED TO THE COMMITTEE OF THE WHOLE

RESOLUTION #333
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, ON JULY 20, 1969, MEN WALKED ON THE SURFACE OF THE MOON FOR THE FIRST TIME; AND

WHEREAS, THIS FEAT ACCOMPLISHED A GOAL SET BY PRESIDENT JOHN F. KENNEDY THROUGH COORDINATION OF AMERICAN SCIENTIFIC AND ENGINEERING RESEARCH, PLUS AMERICAN MANUFACTURING TO THE MOST EXACTING SPECIFICATIONS, COMBINED WITH NATIVE SKILLS, RIGOROUS TRAINING, AND RAW COURAGE OF THE APOLLO PROGRAM ASTRONAUTS; AND

WHEREAS, THE DESIRE TO KNOW AND THE URGE TO ACHIEVE ARE TWO CHARACTERISTICS OF THE AMERICAN PEOPLE, WHO VICARIOUSLY CONQUERED THE DISTANCE BETWEEN EARTH AND MOON WITH THE APOLLO 11 ASTRONAUTS THANKS TO HOME-GROWN TELEVISION TECHNOLOGY; AND

WHEREAS, THE AMERICAN SPACE PROGRAM, LIKE MANY GREAT ADVENTURES THROUGHOUT HISTORY, HAS PROVIDED KNOWLEDGE AND ACHIEVEMENT, AS WELL AS HEART-POUNDING EXCITEMENT AND LIFE-AND-DEATH DANGER, SHARED BY THE WORLD IN ALL ITS SUCCESSES AND ITS MOMENTS OF DISASTER;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL, SITTING IN REGULAR SESSION THIS 22ND DAY OF JULY, 1996, HEREBY COMMEMORATES THE ANNIVERSARY OF MEN'S FIRST STEPS ON THE MOON AS A TRIBUTE TO THE SPIRIT THAT HAS MADE OUR COUNTRY GREAT.

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By Councilmember Benavides

Carried unanimously

RESOLUTION #334
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council's program that allows distribution of unclaimed bicycles held in storage by the City has been a great success; and

WHEREAS, the ordinance is accomplishing its intended purpose, which is to take the bicycles out of City storage and give them to young people who will use them; and

WHEREAS, the Allstate Foundation has been a partner in this program, providing grant funds for purchase of safety helmets for free distribution with bicycles;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 22nd day of July,. 1996, hereby expresses deep appreciation to local Allstate Agent David Navrilla and the Allstate Foundation for the recent grant of $4,000 that provides free bicycle safety helmets as part of the City's bicycle distribution program.

By Councilmember Benavides

Carried unanimously

RESOLUTION #335
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council's program that allows distribution of unclaimed bicycles held in storage by the City has been a great success; and

WHEREAS, the ordinance is accomplishing its intended purpose, which is to take the bicycles out of City storage and give them to young people who will use them; and

WHEREAS, the Lansing Area Safety Council has been a partner in this program, purchasing safety helmets for free distribution with bicycles, using funds from a grant provided by the Allstate Foundation;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 22nd day of July, 1996, hereby expresses deep appreciation to Executive Director Susie Carter and the Lansing Area Safety Council for the donation of bicycle safety helmets as part of the City's bicycle distribution program.

By Councilmember Benavides

Carried unanimously

RESOLUTION #336
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following FY 96 transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$40,000	Revenue-Infrastructure 410-0-170001-0	Project Play 410-933890-970000-43822

(Donation from Project Play organization toward completion of Phase V playground equipment units. Revenue detail account 410-0-675000-0)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$15,000	Dist. Court-Fringe Ben. 760-132201-715000-0	
$20,000	District Court-Supplies 760-132201-742000-0	
$19,680	District Court-Professional Services 760-132201-743010-0	
$18,500	District Court-Collect. Fee 760-132201-743100-0	
$73,180		District Court-Control 760-132201-992200-0
$73,180	Dist. Court Expenditures 101-132200-992200-0	Capital Improvements-Control 101-933901-992200-0
$73,180	Capital Improvements-Control 101-933901-992200-0	oper. Transfers-410 Fund 101-933901-991410-0
$73,180	Revenues-Infrastructure 410-0-170001-0	City Hall Security Improvements 410-933690-975000-0

(Estimated cost of City Hall Security improvements, to be utilized to implement Security Committee recommendations. Revenue detail account 410-0-696101-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$17,499.84	Est. Rev.-Dist. Court 101-0-170001-0	District Court Expenditures 101-132200-992200-0
$17,499.84	Est. Revenue-District Court 760-0-170001-0	District Court-Equipment 760-132201-977000-0

(appropriation of State of Michigan Drunk Driving Case Flow Assistance dedicated to improvement of Court operations. Funds will provide financing for computers for the judges as part of

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networking plan. General Fund revenue detail account 101-0-661000-0. District Court revenue detail account 760-0-545001-0.)

BE IT FURTHER RESOLVED that the following Subject accounts be reappropriated into FY 97 in the lesser of the amount transferred or the Unencumbered Balance, upon completion of the following transfer:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$6,050	Mayor's office-Neighborhood Grants 101-172300-963002-0	Mayor's office-Control 101-172300-992200-0
$6,050	Mayor's office-Control 101-172300-992200-0	Police Dept.-Control 101-343201-992200-0
$6,050	Police Dept.-Control 101-343201-992200-0	
$3,000		Community Services 101-343252-741000-00014
$3,050		Grand River Park Programs 101-343252-741000-00016

(Program funding for summer FY 96 for aides to Community Policing Officers, ($3,000), and for transportation of neighborhood kids to Grand River Park.

BE IT FINALLY RESOLVED, that the following FY 97 transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$39,996	Est. Revenues-General Fund 101-0-170001-0	Police Dept.-Control 101-343201-992200-0
$39,996	Police Dept.-Control 101-343201-992200-0	Police Admin.-Misc. & Oper. 101-343201-992200-0

(Sublet of portion of Michigan School for the Blind by Capital Area Community Services for use as a network center. Funding from grant from State of Michigan. Revenue detail account 101-0-680000-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$4,500	Fund Balance-General Fund 101-0-390001-0	
$12,300	Est. Revenue-General Fund 101-0-170001-0	
$16,800		Parks & Recreation-Control 101-783860-992200-0
$16,800	Parks & Recreation-Control 101-783860-992200-0	Misc. & Oper. Expenses 101-783833-741000-0

(Fund balance amount from deposits received prior to June 30, 1996 for Senior Citizen Mackinac Island Trip. Estimated Revenue from amounts to be collected after July 1, 1996 for trip. Every other year trip was not included in FY 97 budget. Revenue detail account 101-0-648360.)

By Councilmember Leeman

Carried unanimously

RESOLUTION #337
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, K & H South Washington, Inc., has filed a claim against the City in connection with the removal of rubble on property legally described as Lot 1, of the R. E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Page 35, 36 and 37; and

WHEREAS, K & H purchased the Property pursuant to a Purchase Agreement and Option Agreement, both dated May 3, 1993, between the City of Lansing and Richard A. Henderson, which Agreement was later assigned by Richard A Henderson to K & H South Washington, Inc.; and

WHEREAS, K & H and the City have disputed the legal responsibility for payment of removal of rubble on the Property ; and

WHEREAS, K & H and the City wish to terminate the dispute regarding the rubble issue and have negotiated a proposed settlement in the amount of $35,345.54; and

WHEREAS, both the Planning Department and the Law Department recommend that the claim be settled for the proposed negotiated sum;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the claim filed by K & H South Washington, Inc. be granted for the sum of $35,345.54, conditioned upon the signing by both parties of the release agreement entitled Settlement and Release Agreement between K & H South Washington, Inc. and the City of Lansing, and that the settlement be paid out of the proceeds from the sale of other Diamond Reo sites previously sold.

BE IT FURTHER RESOLVED that the Law Department shall review and approve the release document, and ensure its proper execution.

By Councilmember Leeman

Carried unanimously

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RESOLUTION #338
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City has been notified that its application for grant funding under the State of Michigan Victims of Crime Act has been approved; and

WHEREAS, the grant award would provide reimbursement of $42,963 from Federal funds to assist the Capital Area Response Effort (CARE) by funding a Response Team Coordinator and related costs; and

WHEREAS, this coordinator would assist CARE's multi-agency mission by recruiting, screening and training volunteer response team members, and by actively managing and responding to domestic violence calls, and

WHEREAS, grant program goals include attempting to reduce calls of domestic violence, increase the percentage of battered women pursuing prosecution, increase the number of victims seeking counseling, and increase follow-up contact with victims, and

WHEREAS ' there is no direct City match associated with acceptance of this grant as the grantor has permitted that local match representing 20% of costs ($10,741) will be attributed as volunteer hours of participation in the program on an in-kind basis.

NOW THEREFORE BE IT RESOLVED that the City of Lansing accepts the FY 96 Victims Assistance Grant of $42,963 in Federal Funds, utilizing $10,741 in local in-kind match, and

BE IT FINALLY RESOLVED that the administration is authorized to create budgetary accounts for grant administration from the estimated revenues attributable to this grant.

By Councilmember Leeman

Carried unanimously

RESOLUTION #339
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, to whom was referred an ordinance to amend the City Code by amending Chapter 1026, Section 1026.08, for the purpose of revising the language therein to reflect the amendments and revisions to Chapter 812 of the Code regarding Principal Shopping Districts,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted.

BY COUNCILMEMBER BEAL:

That the report of the Committee by received.

CARRIED UNANIMOUSLY

ORDINANCES FOR INTRODUCTION

ITEMS XIV A-1, 2, 3, ORDINANCES FOR INTRODUCTION BY COUNCILMEMBER BENAVIDES AMENDING CHAPTER 273, 274 AND 299, WERE PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BENAVIDES

ORDINANCES FOR PASSAGE

By Councilmember Leeman

That we move to the passage of Ordinances

By Councilmember Leeman

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Leeman

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 1026, Section 1026.08, for the purpose of Revising the Language Therein to Reflect the Amendments and Revisions to Chapter 812 of the Codified Ordinance of Lansing, be placed on order of immediate passage

BY THE COMMITTEE ON WAYS AND MEANS:

By Councilmember Leeman

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances by Amending Chapter 1026, Section 1026.08, for the purpose of Revising the Language Therein to Reflect the Amendments and Revisions to Chapter 812 of the Codified Ordinance of Lansing, be now passed.

By Councilmember Leeman

YEAS: Councilmembers Allen, Bauer, Beal Benavides, Jones, Leeman, Leeman, Novak

NAYS; None

By Councilmember Leeman

That this ordinance, being necessary for the immediate preservation of the public peace, health, or safety, shall take effect upon it's passage

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Carried unanimously

ORDINANCE #950

AN ORDINANCE TO AMEND SECTION 1026.08 OF THE CODIFIED ORDINANCES OF LANSING TO REVISE THE LANGUAGE THEREIN TO REFLECT THE AMENDMENTS AND REVISIONS TO CHAPTER 812 OF THE CODIFIED ORDINANCE OF LANSING.

THE CITY OF LANSING ORDAINS:

SECTION 1. That section 1026.08 Of the codified ordinances of Lansing is amended to read as follows:

1026.08 PRINCIPAL SHOPPING DISTRICT SPECIAL ASSESSMENTS.

(a) Authority to Make Improvements and Levy Assessments. Council may, in accordance with the City Charter and pursuant to Public Act 120 of 1961, as amended (M.C.L.A. 125.981 et seq.), provide fore A PRINCIPAL SHOPPING DISTRICT PROJECT AS A PUBLIC IMPROVEMENT TO DEVELOP, TO REDEVELOP, TO PROMOTE ECONOMIC ACTIVITY AND/OR TO PROVIDE FOR THE MAINTENANCE, SECURITY AND OPERATION OF THE PRINCIPAL SHOPPING DISTRICT IN CONNECTION THEREWITH AND WHERE SUCH PUBLIC IMPROVEMENT especially benefits any property within a district, Council may determine, by resolution, that the whole or any part of the expense of such PUBLIC IMPROVEMENT shall be defrayed by special assessment upon the real property in districts especially benefitted, in proportion to benefits derived.

(b) Initiation; Determination of Districts. Initiation of special assessments TO FINANCE THE COST O F THE WHOLE OR ANY PART OF THE PUBLIC IMPROVEMENT under this section may be B Y resolution of Council. Such resolution shall set forth the extent, location and character of any desired PUBLIC improvement to be provided and shall designate a district that shall contain all real property which Council determines will be especially benefitted by such PUBLIC improvement. The district may be formed of territory not included on the immediately fronting streets or malls. In such case, diagrams of the plats of such special assessment districts shall be recorded in the office of the CITY ASSESSOR.

(c) Apportionment of Expenses. Whenever Council determines that the whole or any part of the expense of any public improvement, is to be defrayed by special assessment upon the property especially benefitted thereby, it shall, after determining the estimated expense of such PUBLIC improvement, declare by resolution that all, or a specified portion, of such expense shall be assessed upon the properties contained in the assessment district. The cost and expenses of making estimates, plans and assessment incidental thereto may be included in the estimated expense of the assessment.

(d) Assessments on Real Property; Making of Assessment Roll. Pursuant to a resolution of Council establishing an assessment district, an estimated amount to be assessed and the proportion of the amount to be assessed, the City Assessor shall make an assessment on all real property within such special assessment district. Such assessment shall be in proportion to the special benefit of the PUBLIC improvement, to the real property assessed and may be made without reference to any improvement or building upon the land within the special assessment district. The Assessor shall make out an assessment roll in which shall be entered names of persons and the description of the property to be assessed to each person and parcel of property respectively. If any parcel of real property belongs to a nonresident or the owner is unknown, the same shall be entered accordingly with the description of the parcel of property. The assessment roll shall be subscribed by the Assessor and returned to Council within two weeks or by such other time as Council may designate by resolution.

(e) Confirmation of Assessment Roll. Upon the return of the assessment roll, the Clerk shall cause notice of a confirmation hearing on such roll to be given, in accordance with Section 1026.06(c). A confirmation hearing shall then be held in accordance with the provisions of Section 1026.06(c). Confirmation of the special assessment roll shall require the affirmative vote of a majority of the members of Council, unless written objection to the proposed special assessment has been filed by owners of property within the special assessment district which, according to estimates, will bear more than fifty percent of the amount of the special assessment, in which case the affirmative vote of two-thirds of the members of Council is required. Special assessments, once confirmed by Council, shall be final and conclusive.

(f) Collection of Assessments. Following the confirmation of a special assessment and the roll thereof the Mayor shall immediately affix his or her wan-ant for the collection of the assessment to the roll. The warrant shall direct the City Treasurer to collect the assessment forthwith on the basis of the information provided by the City Assessor. Such assessment and tax roll, with warrant attached, shall be delivered to the Treasurer immediately after the warrant is attached to the roll. Such assessments shall be due and payable immediately upon receipt by the Treasurer of the assessment roll with the Mayoral warrant affixed. If such a special

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ASSESSMENT AGAINST ANY PARCEL OF REAL PROPERTY IS OUTSTANDING AND HAS NOT BEEN PAID IN FULL AT THE TIME THE CITY COLLECTS PROPERTY TAXES, SUCH SPECIAL ASSESSMENTS SHALL BE CONSIDERED DELINQUENT AND SHALL BE PLACED UPON THE TAX ROLL TOGETHER WITH ANY FEES ACCRUED THEREON TO BE COLLECTED IN ALL RESPECTS AS ARE CITY TAXES AND TO BE SUBJECT TO SUCH PENALTIES AND INTEREST FOR LATE PAYMENT AS ARE CITY TAXES. SUCH SPECIAL ASSESSMENTS SHALL BECOME A LIEN ON THE PROPERTY ASSESSED AT THE TIME THE SPECIAL ASSESSMENT ROLL IS CONFIRMED.

(1) Excesses or Shortfalls. IF THE AMOUNT SPECIALLY ASSESSED AND COLLECTED FOR THE PURPOSE OF PROVIDING THE PUBLIC IMPROVEMENTS IN THE PRINCIPAL SHOPPING DISTRICT FOR A GIVEN TIME PERIOD PROVES INSUFFICIENT, THE CITY MAY INCLUDE THE AMOUNT OF SUCH SHORTFALL PROPORTIONATELY IN ITS SPECIAL ASSESSMENTS UPON THE SAME PARCELS OF PROPERTY FOR THE SAME PUBLIC IMPROVEMENTS FOR THE NEXT SUCCEEDING TIME PERIOD. HOWEVER, IF THE AMOUNT SPECIALLY ASSESSED AND COLLECTED EXCEEDS THE ACTUAL EXPENSE OF PROVIDING THE PUBLIC IMPROVEMENTS DURING THE TIME PERIOD FOR WHICH IT WAS ASSESSED, SUCH EXCESS SHALL BE CREDITED AGAINST AMOUNTS TO BE SPECIALLY ASSESSED FOR THE SAME PUBLIC IMPROVEMENTS UPON THE SAME PROPERTIES FOR THE NEXT SUCCEEDING TIME PERIOD OR, IF NO SUCH SPECIAL ASSESSMENT AND NO SUCH PUBLIC IMPROVEMENTS ARE ANTICIPATED FOR THAT TIME PERIOD, THE EXCESS SHALL BE REFUNDED TO THE OWNERS OF THE PROPERTY ASSESSED, IN PROPORTION TO THEIR ORIGINAL SPECIAL ASSESSMENTS.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS, OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

GIVEN IMMEDIATE EFFECT BY MOTION OF COUNCILMEMBER LEEMAN

MARILYNN SLADE,
CITY CLERK

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER ALLEN; A LETTER FROM CAROL MITCHELL OF 218 DUNLAP REGARDING THE RESURFACING OF CITY STREETS

REFERRED TO THE MAYOR

2. FROM COUNCILMEMBER LEEMAN; A RESOLUTION APPROVING TRANSFER OF FUNDS

HANDLED AS RESOLUTION #336

3. FROM COUNCILMEMBER LEEMAN; A COMMITTEE REPORT RECOMMENDING THE ADOPTION OF AN AMENDMENT TO CHAPTER 1026

HANDLED AS RESOLUTION #339

4. FROM COUNCILMEMBER LEEMAN; AN ORDINANCE FOR ADOPTION AMENDING CHAPTER 1026 ACCEPTING AND CONFORMING WITH THE AMENDMENT TO CHAPTER 812 ON JULY 8, 1996

HANDLED AS ORDINANCE #950

5. FROM COUNCILMEMBER LEEMAN; A RESOLUTION APPROVING NOTICE OF INTENT TO ISSUE BONDS FOR THE CSO/TOLLGATE DRAIN PROJECT

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BEAL AND REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6. FROM COUNCILMEMBER LEEMAN; A LETTER FROM CHARLES DEMASO OF 1110 PLATT ST. REGARDING A SHOOTING IN THE RIVER POINT NEIGHBORHOOD

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE CITY ATTORNEY

7. FROM COUNCILMEMBER NOVAK; A REQUEST THAT THE RULES BE SUSPENDED TO ADD A SPECIAL CEREMONY FOR THE PRESENTATION OF THE RESOLUTION ON TRIBUTE TO SPACE DAY

THE RULES WERE SUSPENDED AND A SPECIAL CEREMONY WAS HELD FOR THE PRESENTATION OF THE RESOLUTION OF TRIBUTE

8. FROM COUNCILMEMBER LEEMAN; A RESOLUTION APPROVING THE ACCEPTANCE OF A GRANT FROM THE MICHIGAN VICTIMS OF CRIME ACT FUND

HANDLED AS RESOLUTION # 338

9. FROM COUNCILMEMBER LEEMAN; A RESOLUTION APPROVING A CLAIM SETTLEMENT FOR K. & H. S. WASHINGTON, INC.

HANDLED AS RESOLUTION #337

PUBLIC COMMENTS

DAVID REED, HOMELESS IN LANSING, SPOKE REGARDING LAWSUITS HE HAS FILED AGAINST THE CITY OF LANSING AND AGAINST MAYOR HOLLISTER. HE URGED COUNCILMEMBERS TO OFFER THEIR HELP TO HOMELESS PEOPLE.

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Chris Cotter of 2111 Harding criticized the EHA Methodology used in Lansing's Stormwater Enterprise Fund, saying that it does not take into consideration the grading of property, whether it slants into the road, or away from the road. In a few months, Lansing will have separated 100,000 residents and will be required to get EPA Permits for the storm water we dispose of.

Richard Fiser of 12100 S. Cork Rd. in Morrice, MI said that he knows of several people who still have not had appeals of their Stormwater Enterprise Fund fees heard by the Public Service Department. He criticized Councilmember Benavides for stating his willingness to bypass any more meetings on the subject.

Tom Lafferty of 1806 W. Michigan Ave. urged Councilmembers to take another look at the CSO Project.

Tim Lewis of 500 S. Pine reported seeing a City of Lansing Public Service Truck, driven by a City Employee, drove around the warnning gates at the Railroad Track on Michigan Ave. when a CSX train was approaching. This is a violation of the law and should never happen again.

Ed Simmer of 2609 Dyer complimented Oldsmobile Park for showing movies last Friday and Saturday nights. He was in attendance and had a great time.

Helen Fiser of 12100 S. Cork in Morrice, MI criticized the Public Services Committee and the Administration for the manner in which last Thursday's meeting was conducted. Once again, the citizens were denied an opportunity to refute the statements made by the administration, and were not allowed to present evidence they have supporting their position.

Lloyd Teets of 116 E. Elm St. spoke regarding a incidence of multiple gun shots in his neighborhood one week ago tonight. There was a victim shot in the head, and 20-30 shots fired into the surrounding neighborhood. This was within 1½ blocks of his residence. He urged the Public Safety Committee and the Administration to look into the incident. He told Councilmembers that it is not their job to prop up the Public Service Department, in fact, there is far too much of that going on.

Paul Scott of 412 W. Kilborn congratulated the people who worked on the City's Web Site. He has visited it several times. He reminded members of the Transportation Review Committee that one week from Today is the deadline for the work up on how ISTEA funding will be changed. He said that the Michigan Association of Regions Conference was a great event. He heard nothing but good comments about the Lansing region. They took a ride on the Michigan Princess and a tour of the Michigan Historical Museum. Last week was the 40th anniversary of the Tri-County Regional Planning Commission. He reported reading a Plant/Moran report that was done for the Michigan Municipal League on the financial health of Michigan Cities. Lansing is right where it should be according to the study.

COUNCILMEMBERS COMMENTS

Councilmember Leeman announced that the next Concert in the Park is Wednesday, July 24, 1996 and Root Doctor will perform from 7:00 to 9:00 P.M. He reported receiving a Stormwater Fact Sheet from the Public Service Department showing that $29,726, or 71% of Stormwater Enterprise Fund fee bills have been paid to date. Additionally 584 appeals have been filed on 1,016 parcels and 122 hearings have been held. There are 60 late appeals pending that represent 165 parcels. There have been 53 complaint letters received and 12 FOIA requests. He will distribute copies to all Councilmembers and to the public.

Councilmember Allen complimented Oldsmobile Park on the great movies they showed over the weekend. She reflected that the CARTO Group is here week after week trying to get their information across to Councilmembers. She has tried to introduce a resolution that would allow them to have an even exchange with Councilmembers. There was nothing new reported in the meeting last week and it is time to allow all information to be brought out. She said that the attitude of employees at the meeting was defensive. Mrs. Delaney and Mrs. Fiser have a lot of information that they have spent a great deal to time compiling and they should be given a chance to present it.

Councilmember Bauer thanked the Parks and Recreation Department for the Concert in the Park Series. She complimented Cooley Gardens and Frances Park and announced an Intergovernmental Relations Committee District Library Meeting this Thursday at 3:00 P.M. at the South Side Police Precinct where they will receive a Planning Report from Jeff Johnson who has compiled information from 90 other District Libraries in Michigan.

Councilmember Lilly said that it is not a correct assessment to say that the Council, or the Committee, is not trying to get a handle on and understand the CSO Project and the Stormwater Enterprise Fund. The answer people are seeking is to have Council stop this project and kill it. But there are other answers and processes for re-doing this thing, like reviewing the NPDES

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permit process. There is a specific way that these things need to be done. They must give the Committees a chance to do their work. Councilmembers must have enough faith and trust in each other to know that they are going to do the job and do it right.

Councilmember Beal said she was glad to be back. She has been on a family vacation that traversed over 7,000 miles in the last two weeks. She got a lot of good ideas on her trip, met with City Market Managers and with Traffic and Transportation Managers. She found that some cities convened a meeting of people who have developed sewer separation projects throughout the Country to get their input prior to beginning a project. She did not feel that the answers offered to the Public Service Committee last Thursday were impressive. Further she felt that the employees seemed to resent having to do the research to answer the questions. She announced a Ways and Means Committee Meeting this Wednesday at 4:30 P.M. where they will take up the sewer rate increases.

Councilmember Novak congratulated Councilmember Beal on having the fortitude to return from her vacation and for meeting with sewer people while she was gone. He announced that the WSNA has a lot of activities planned for this coming weekend. For more information call Rudy Wilson at 482-4567.

Councilmember Benavides said that it was clear at the Public Service Committee meeting that nothing that the Department, or the Committee, could say would be accepted by the audience. The members of the public present at that meeting were requesting another meeting to do more of the same thing that they have been doing. The Committee refused this request. This is a situation where it may not be possible for the Council to give the people what they want.

Council President Jones announced the 49th Project Play Dedication at Georgetown Park. He commended the Administration and the residents for putting 49 of these into play already. He reported receiving a letter from the Chair of the Ingham County Board of Commissioners regarding the Consolidated Courts Facility. This project is at an impasse right now, but they are looking at the use of the Board of Water & Light Office Building.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener advised Councilmembers that the Finance Director has informed him that we have deadline issues on the Notice of Intent to Issue Bonds for the Tollgate Drain/CSO Project. We must have a decision on this before August 1st, therefore a vote must be taken not later than Monday, July 29, 1996.

He said that the Public Service Department answers to Public Service Committee questions on the CSO Project provided a lot of useful information. For instance, the learned that the Grand Rapids Project was just as costly as Lansing's. The information that was provided was useful even though it may hot have answered all of the questions or solved all of the issues. He is looking forward to getting insight from Councilmember Beal that she gleaned during her travels. He defended the Public Service Department, saying that they were trying to respond appropriately to the questions of the public.

ADJOURNED 9:25 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS JULY 29, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: Councilmembers

The Invocation was observed as a moment of silence as tribute to the families who have suffered tragedy in the events of the last week. The Pledge of Allegiance was led by Senator Dianne Byrum and Members of Boy Scout Troop #109, 763, and 157 from the Chief Okemos Council. Senator Byrum announced that they are in attendance tonight to fulfill requirements of Citizenship Participation in order to receive a merit badge.

APPROVAL OF MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of July 8, and 15, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides:

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a letter from the City Clerk submitting a Fireworks Permit Application for WILX TV for approval

2. From Councilmember Lilly; a proclamation from Mayor Hollister to Lansing Lugnuts Banner Donors

3. From Councilmember Lilly; a letter from Pat Reed of the Law firm of Reid and Reid, regarding the purchase of the Board of Water & Light Office Building at 123 W. Ottawa

4. From Councilmember Lilly; a resolution regarding the unsanitary conditions in Councilmember Leeman's City Council Office

5. From Councilmember Beal; a letter from Mary Jo Kerekes requesting a donation from Council for the Wildcat Baseball Tournament at Gier Park

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Attorney's on behalf of L.L.C. Capital Annex regarding their request for Extension of their Contract to Purchase the Board of Water & Light Building located at 123 W. Ottawa St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING (AT THE REQUEST OF COUNCILMEMBER LEEMAN, THIS LETTER WAS READ INTO THE RECORD AS FOLLOWS:)

July 25, 1996

Lansing City Council
Lansing City Hall
Lansing, MI 48933

Re: Capital Annex L.L.C./Purchase of Board of Water and Light Building

Dear Council Members:

We represent Capital Annex L.L.C. in relation to the purchase of the Board of Water and Light Building located at 123 W. Ottawa Street, Lansing, Michigan. We entered into a Contract for Purchase of this building which was approved by the Lansing City Council on November 20, 1995.

Pursuant to the terms of the Contract, my client has proceeded with negotiations to secure a lease with the State of Michigan Legislature. This lease has not been finalized yet and after considerable investment of time and money, the process for securing this lease needs additional time.

We have requested an extension of time from the Lansing Board of Water and Light to the Contract for Purchase which expired by its

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terms on June 30, 1996. The only response we received was a refund of the $60,000.00 earnest money deposit we put out for this project. In addition, we have just recently received from the Board of Water and Light a Request for Proposals for purchase of this real estate.

We do not believe that the action being taken by the Board of Water and Light is in the best interest of the City of Lansing or the Board of Water and Light. The City is better served by allowing my client additional time to secure the lease necessary for the development of this property. This would allow the combination of the City Hall Annex development with the Board of Water and Light Building development and place both properties back on the tax roll. In addition, it would secure a very substantial tenant for the central business district in downtown Lansing.

In requesting this extension to the Contract for Purchase, we would agree to an additional provision that would allow for the termination of the Contract for Purchase if the Board of Water of Light received a cash offer in excess of $5,000,000.00 to purchase this property and such offer was not subject to any contingencies. This allows the Board of Water and Light to accept a backup proposal if that proposal has an immediate opportunity to close.

We have been hampered in our development efforts by a second offer to purchase the Board of Water and Light building from Commercial Acquisition L.L.C. In reviewing this offer, we find that it is subject to a financing contingency which would be additionally be subject to the purchaser obtaining a lease for the property. Therefore this "backup" offer is nothing more than interference in our development efforts to secure a legislative office lease.

We request the assistance of City Hall in securing an extension to our Contract for Purchase and allowing us to continue our efforts for the development of the property which is consistent with the Lansing City Council's prior approvals.

Thank you for your attention to this matter.

Very truly yours,
REID AND REID
Patrick T. Reid

B. Petition signed by 99 residents of Elizabeth, Leslie and Shepard Streets requesting a Traffic Control Order to change the existing two-way stop sign at the corner of Leslie and Elizabeth Streets to a four-way stop sign

REFERRED TO THE MAYOR, THE TRAFFIC BOARD AND THE PUBLIC SAFETY COMMITTEE

C. Letter from the Department of Social Services submitting notice of the issuance of Child Welfare Licensing Family Group Homes to:

-Marjorie Marie Stine 805 Moores River Dr.
-Joe & Belinda Armstrong 1908 Peggy Place

REFERRED TO THE MAYOR

D. Letter from Capital Area Transportation Authority submitting an amendment to their Articles of Incorporation and requesting Council's concurrence

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE OF THE WHOLE

E. Letter from Trinh D. Nguyen, D.O. of the Vietnamese Association, 835 W. Genesee, #104, requesting funding for a "Free Clinic" for uninsured people

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk submitting Licenses and Bonds for Referral

Referral: Waste hauler, Bill Tomlinson, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Matthew Echlin v City of Lansing, et al

RECEIVED AND PLACED ON FILE

D. Letter from the Board of Water & Light notifying Council of the expiration of the Contract for the Purchase of their Office Building located at 123 W. Ottawa and the Associated Parking Lot at 221 N. Capital Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING (At the request of Councilmember Leeman this letter was read into the record of

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THE MEETING AS FOLLOWS)

JULY 17, 1996

TO: LANSING CITY COUNCIL MEMBERS

FROM: JOSEPH PANDY, JR. GENERAL MANAGER

RE: BOARD OF WATER & LIGHT MAIN OFFICE BUILDING AT 123 W. OTTAWA ST. AND ASSOCIATED PARKING LOT AT 221 N. CAPITAL AVE.

ON NOVEMBER 20, 1995, BY YOUR RESOLUTION #714, YOU APPROVED THE SALE OF THE ABOVE REFERENCE PROPERTY TO CAPITOL ANNEX LIMITED LIABILITY COMPANY.

THE CONTRACT BETWEEN THE BOARD OF WATER AND LIGHT (BWL) AND CAPITOL ANNEX L.L.C. PROVIDED AT PARAGRAPH 9 THAT THE CONTRACT SHALL TERMINATE IF IT IS NOT CLOSED ON OR BEFORE JUNE 30, 1996.

AS THIS DATE HAS NOW EXPIRED, THE BWL HAS NOTIFIED CAPITOL ANNEX L.L.C. AND RETURNED THEIR EARNEST MONEY.

AT THEIR COMMITTEE OF THE WHOLE MEETING OF JULY 16, 1996, THE BWL COMMISSIONERS DIRECTED STAFF TO ISSUE A PUBLIC REQUEST FOR PORPOSALS TO INTERESTED DEVELOPERS, WITH PROPOSALS TO BE OPENED AT 2:00 P.M. ON MONDAY, JULY 29TH. THIS WILL ALLOW THE BOARD TO EVALUATE THE BEST PROPOSAL AT THEIR NEXT MEETING ON JULY 30, 1996.

ASSUMING A DEVELOPER IS THEREAFTER SELECTED, THE BWL WILL FORWARD TO CITY COUNCIL A REQUEST FOR APPROVAL OF THE NEW TRANSACTION.

PLEASE FEEL FREE TO CALL ME AT 371-6710 IF YOU HAVE ANY QUESTIONS OR COMMENTS.

VERY TRULY YOURS,
JOSEPH PANDY, JR.
GENERAL MANAGER

E. LETTERS FROM THE MAYOR RE:

1/ CHANGE OF INTENT; FIRE DEPARTMENT PURCHASE OF COMPUTER EQUIPMENT

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ TRANSFER OF FUNDS: PARKS & RECREATION, FIRE DEPARTMENT, CITY SUPPORTED ACTIVITIES

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ MERGER OF CONTINENTAL CABLEVISION INC. WITH U.S. WEST

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4/ PUBLIC IMPROVEMENT V, ACTUAL COST, SPECIAL ASSESSMENT ROLL #B55, 1994 SIDEWALK REPAIR

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SERVICES

5/ GRANT APPLICATION; ARTS AND CULTURAL PROJECTS

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ LETTER OF APPRECIATION

RECEIVED AND PLACED ON FILE

PUBLIC COMMENTS ON ACTION ITEMS

PAT LINDEMANN, INGHAM COUNTY DRAIN COMMISSIONER INDICATED HIS AVAILABILITY AND WILLINGNESS TO ANSWER COUNCILMEMBER'S QUESTIONS WITH REGARD TO THE CSO PROJECT/TOLLGATE DRAIN BONDING RESOLUTION. IN RESPONSE TO A REQUEST FROM PRESIDENT JONES MR. LINDEMANN ACKNOWLEDGED THAT, AS DRAIN COMMISSIONER FOR INGHAM COUNTY, HE HAS NO JURISDICTION OVER, NOR RESPONSIBILITY FOR THE STORMWATER ENTERPRISE FUND. HE CANNOT REPEAL THIS FEE, OR DO ANYTHING WHATSOEVER ABOUT IT.

ALEX BOLT OF 1230 REO RD. SPOKE IN OPPOSITION TO THE RESOLUTION OF NOTICE OF INTENT TO ISSUE BONDS FOR THE CSO PROJECT/TOLLGATE DRAIN, CALLING IT A CLEAR ATTEMPT TO GET THE RESIDENTS OF THE CITY OF LANSING TO PAY FOR THE SEWER SERVICES OF LANSING TOWNSHIP RESIDENTS. HE SAID THAT THERE IS A PLETHORA OF WAYS IN WHICH THE CITY COULD FUND THE SEWER SERVICES FOR TOWNSHIP RESIDENTS. HE STATED THAT A PORTION OF THE CITY'S STORMWATER IS DISBURSED TO THE WASTEWATER TREATMENT PLANT, RATHER THAN BEING DISCHARGED INTO THE RIVER.

LLOYD TEETS OF 116 E. ELM ST. STATED HIS OPPOSITION TO THE RESOLUTION APPROVING A NOTICE OF INTENT TO ISSUE BONDS ON THE CSO PROJECT/TOLLGATE DRAIN. HE QUESTIONED THE GRANT APPLICATION FOR DEPARTMENT OF TRANSPORTATION FUNDS. HE ASKED HOW MANY OTHER LOW INTEREST LOANS AND GOVERNMENT PROGRAMS THIS DEVELOPER HAS TAKEN ADVANTAGE OF? HE IS ONE OF THE PRINCIPAL OWNERS OF THE BLUE COYOTE, WHICH HAS ALREADY RECEIVED A LOW-INTEREST LOAN FROM CITY COUNCIL. HE ASKED THAT COUNCIL LOOK INTO THIS MATTER PRIOR TO ADOPTING THE ACCEPTANCE OF THE GRANT THAT IS BEING APPLIED FOR TONIGHT.

ERNIE KEEBLER OF 3590 FAIRVIEW SPOKE IN SUPPORT OF THE RESOLUTION APPROVING A GRANT APPLICATION TO THE STATE OF MICHIGAN DEPARTMENT OF

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Transportation. It is the intent of the developers to convert this property from a cold storage and warehouse facility into commercial office and residential uses.

Tom Lafferty of 1806 W. Michigan Ave. spoke in opposition to the passage of the resolution approving the notice of intent to issue bonds for the CSO Project/Tollgate Drain.

ROUTINE MATTERS FOR ACTION

RESOLUTION #340
NOTICE OF INTENT TO ISSUE BONDS FOR
PUBLIC SERVICE DEPARTMENT
COMBINED SEWER OVERFLOW PROJECT
City of Lansing
Counties of Ingham and Eaton, Michigan

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to construct certain combined Sewer Overflow Control Improvements; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, repealed and recodified by Part 43 of Act 451, Public Acts of Michigan, 1994, as amended, ("Act 451") enables a City to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, the City Council of the City intends to authorize the issuance of limited tax general obligation bonds pursuant to Act 451 in one or more series at an estimated interest rate of 2.25% and in an aggregate amount not to exceed $6,000,000 for the purpose of separating combined sewers in the Tollgate Drain (Lansing Township, north of East Grand River Avenue, east of Wood Street) which benefit property located in the City of Lansing and other local governmental units (the "Improvements"), included in Phase II, Segment 3 of the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit, which bonds will be payable from funds lawfully available to the City for this purpose such as contractual payments from other local governmental units (estimated to comprise approximately 30% of the debt service on the bonds), revenues derived from the operation of the City's Sewage Disposal System, storm water enterprise fees, and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit; and

WHEREAS, notice of intent to issue bonds must be published at least forty-five (45) days before the issuance of the same in order to comply with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended; and

WHEREAS, the City must appoint bond counsel for the issuance of the bonds, and

WHEREAS, prior to issuance of each series of bonds the City must either receive prior approval of the bonds from the Michigan Department of Treasury or be exempt from prior approval as provided in Chapter III, Section 11, of Act 202, Public Acts of Michigan, 1943, as amended;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to cause a notice of intent to issue bonds to be published, on or before August 2, 1996, in the Lansing State Journal, a newspaper of general circulation in the City, as a display advertisement at least 1/4 page in size.

2. Said notice of intent so published shall be in substantially the following form:

OFFICIAL NOTICE TO ELECTORS AND TAXPAYERS
OF THE CITY OF LANSING
OF INTENT TO ISSUE BONDS
SECURED BY THE TAXING POWER OF THE CITY
AND RIGHT OF REFERENDUM THEREON

PLEASE TAKE NOTICE that the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan, intends to authorize the issuance of limited tax general obligation bonds of the City in one or more series in an aggregate principal amount not to exceed $6,000,000 for the purpose of separating combined sewers in the Tollgate Drain (Lansing Township, north of East Grand River Avenue, east of Wood Street) which benefit property located in the City of Lansing and other local governmental units (the "Improvements"), included in Phase II, Segment 3 of the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit. Said bonds shall mature in not to exceed thirty (30) annual installments with interest payable on the unpaid balance at an estimated interest rate of 2.25 percent, to be conclusively determined at the time of sale of the bonds.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL AND INTEREST OF THE BONDS shall be payable from funds lawfully available to the City for this purpose such as contractual payments from other local governmental units (estimated to comprise approximately 30% of the debt service on the bonds), revenues derived from the operation of the City's Sewage Disposal

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System, Stormwater enterprise fees, and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. Ad valorem taxes may not be levied in excess of the City's charter tax rate limitation for this purpose.

RIGHT OF REFERENDUM

THE BONDS will be issued without vote of the electors unless a PETITION requesting an election on the question of issuing the bonds signed by not less than TEN PERCENT (10%) OF THE REGISTERED ELECTORS in the City is filed with the City Council by deposit with the City Clerk WITHIN FORTY-FIVE (45)

DAYS after publication of this notice. If such a petition is filed, the bonds cannot be issued without an approving vote by a majority of electors voting on the question.

THIS NOTICE is given pursuant to the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended. Further information concerning the matters set out in this notice may be secured from the City Clerk's office

_____

City Clerk

3. The City Council hereby determines that the foregoing form of notice of intent to issue bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the bonds, the purpose of the bonds, the security for the bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their right of referendum with respect to the bonds.

4. In order to comply with federal Treasury Regulation §1.150-2, the City Council states that the City intends to reimburse expenditures for Combined Sewer Overflow Control Improvements with proceeds of bonds, including the bonds described in this resolution, by making the following declaration:

(a) The City reasonably expects to reimburse itself for the expenditures made to acquire the Improvements with proceeds of debt to be incurred by the City.

(b) The maximum principal amount of debt expected to be issued for reimbursement purposes including bond issuance costs is $6,000,000.

(c) A reimbursement allocation of the expenditures for the Improvements with the proceeds of the borrowing described here will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date of Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

(d) This resolution is adopted to indicate the intent of the City only, and does not bind the City to acquire and construct any improvements or to issue any obligations of the City.

5. Either the Finance Director or the Public Service Director are authorized to request an exception from prior approval to issue bonds from the Michigan Department of Treasury and to pay the related fee, or to request the Michigan Department of Treasury to issue and order granting prior approval to issue bonds, and to request any related waivers.

6. Dykema Gossett PLLC, of Lansing, Michigan is appointed as bond counsel with respect to the bonds described in this resolution.

7. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

By Councilmember Beal
ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Bauer, Benavides, Jones, Leeman, :Novak

NAYS: Councilmembers Allen, Beal, Lilly

RESOLUTION #341
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
That the following FY 96 transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$757	Est. Revenues-Gen. Fund 101-0-170001-0	Police Dept.-Control 101-343201-992200-0
$757	Police Dept Control 101-343201-992200-0	
$482		Donations- DARE 101-343201-741879-0
$275		Donations 101-343201-741880-0

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(Proceeds from DARE fund raising efforts deposit to Revenue detail account 101675010-0. Donations for Moores Park Neighborhood Community Policing events from Granger Container, Hager-Fox, & Crawford-Raynor Door Company. Accounts previously approved for carry-forward to FY 97. Transfer approved by Ways and Means on July 22, 1996.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$15,262	Est.Rev.-Capital Proj. 410-0-170001-0	Ballfield Improv.410-933890-970000-13023

(Individual player registration fee revenues for ballfield development per resolution of November 3, 1986. Revenue detail account 410-0-648253-13023.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$250	Est. Revenues-General Fund 101-0-170001-0	Parks & Rec.-Control 101-783860-992200-0
$250	Parks & Rec.-Control 101-783860-992200-0	Special Activities 101-783833-741850-0

(Donation from Okemos Public Schools for therapeutic recreation activities in service done by Joan Lenhard. Revenue detail account 101-0-675003. Account previously approved for carry forward.)

By Councilmember Beal

Carried unanimously

RESOLUTION #342

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Martin Commercial Properties, Inc., a Lansing based brokerage and real estate firm, has proposed the rehabilitation of the Prudden Industrial Complex located at 725 East Saginaw Street, Lansing Michigan;

WHEREAS, this location is an excellent site near downtown Lansing with immediate access to the Interstate System and is near banks, restaurants, shopping and the population base in North Lansing;

WHEREAS, Sparrow Hospital is committed to occupy a significant portion of the building;

WHEREAS, the proposed Prudden Industrial Complex Project has a great potential for future revitalization of the City of Lansing, particularly the downtown area;

WHEREAS, the Prudden Industrial Complex Project requires improvements to the transportation infrastructure to assure project viability which will have a positive economic and social impact on the City of Lansing;

WHEREAS, the City would like to provide an improved transportation infrastructure in this area which will require significant financial resources;

NOW, THEREFORE, BE IT RESOLVED that the Public Service Department shall be authorized to apply for a Michigan Transportation Economic Development Fund (MTEDF) grant for the transportation infrastructure improvement project with an estimated cost of $1,031,000 with the City matching share is 20%. Upon award, the grant is to be brought back to City Council for acceptance and identification of specific funding sources for the City's matching share.

By Councilmember Beal

To accept a friendly amendment, proposed by Councilmember Lilly, to adopt a substitute resolution for the one originally contained in the packet, and to amend the substitute resolution in the second whereas paragraph to delete the word State Interstate System and replace them with the words "STATE TRUNKLINE SYSTEM"; and by adding a final paragraph as follows:

"BE IT FINALLY RESOLVED, that approval of this resolution does not constitute support for a Northside Precinct at this location"

and to place an affirmative roll on the substitute resolution as amended

Carried unanimously

RESOLUTION #343

TO: Councilmember Tony Benavides
General Services Committee Chairperson

FROM: Dixie Gilmore, Chief Deputy City Clerk

DATE: July 26, 1996

SUB: WILX Application for Fireworks Display Permit

Attached you will find an application from Night Magic, Inc. on behalf of WILX-TV for an event scheduled at Oldsmobile Park on August 1, 1996. This application was approved by the Fire Marshal on July 23, 1996.

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Because this item does not appear on the Council Agenda for Monday, July 29, 1996, this memo is a request that you bring it as a suspension item for Council's action.

Thank You for your consideration in bringing this matter before the Council.

By Councilmember Benavides

To accept the recommendation of the City Clerk and to place an affirmative roll on the letter requesting approval of the August 1, 1996 Night Magic/WILX-TV Fireworks Display Permit Application

Carried unanimously

RESOLUTION #344
BY THE COMMITTEE
FOR A CLEAN WORKING ENVIRONMENT
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing Director of the Building Safety Division of the Planning and Neighborhood Development Department has determined that the office located on the Tenth Floor, of Lansing City Hall, commonly described as the office of Councilmember Harold Leeman, Jr., is unsafe and dangerous as defined by common sense and normal living conditions; and

WHEREAS, repeated attempts by his colleagues have failed to prick the occupant's conscience and sense of decorum befitting the office he holds;

NOW, THEREFORE, BE IT RESOLVED, that the occupant of this office is hereby given one week to bring his office into compliance with prevailing community standards as displayed by the condition of his colleague's offices; and

BE IT FINALLY RESOLVED that failure to comply with this Resolution shall result in the occupant forfeiting his office key, his garage pass, his parking space, his baseball tickets, and all future invitations to events where there is free food.

By Councilmember Lilly

To accept a friendly amendment proposed by Councilmember Benavides to amend the "BE IT FINALLY RESOLVED" paragraph to begin "BE IT FURTHER RESOLVED" and to add a final paragraph as follows:

"BE IT FINALLY RESOLVED THAT IN ADDITION TO THE ABOVE STATED PENALTIES, THE INCUMBENT SHALL PERFORM 40 HOURS OF COMMUNITY SERVICE."

Carried unanimously

By Councilmember Beal

That the Council do now resolve itself into the Committee of the Whole for the purpose of entering into a Town Meeting/Round Table Discussion on the topic of the proposed amendment to Chapter 290, Conflicts of Interest (Ethics Ordinance) of the Code of Ordinances.

Carried unanimously

TOWN MEETING

This Portion of the meeting was Co-Chaired by Councilmembers Rick Lilly and Paul Novak. Ethics Board Members Isiogu, Mertz, Meissner and Sullivan, as well as City Attorney Smiertka participated in the discussion and explanation regarding the ordinance.

Orji Isiogu, Chair of the Board of Ethics thanked Councilmembers, on behalf of the Board of Ethics, for allowing them to participate in tonight's meeting. He stated his concurrence with the ordinance as submitted in Draft 9, with the exception of the provision on page 12, line 16, which excludes Councilmembers from requirements for filing of written affidavits of disclosure. These disclosures are required of all other employees and officers. The Ethics Board has tried diligently to make sure that all public officials were included in the provisions of the ordinance. This exclusion creates too big of a loophole. It is the purpose of the ordinance to provide a checks and balance system, and the goal of the Board to provide an ordinance that serves as a deterrent, one that people will be able to model their conduct after.

Councilmember Lilly noted the provisions on page 14 that require Councilmembers to make a verbal disclosure prior to recusal during Council Meetings, on issues that they may have a conflict on.

John Mertz, Ethics Board Member, agreed that the Charter authorizes Councilmembers to determine, at meetings where they are going to be voting on any given issue, that it involves a conflict and that a member needs to be recused. However, this is insufficient. He suggested a process in which verbal disclosures at Council meetings are followed by a written disclosure after the vote has been taken.

Joyce Meissner, Ethics Board Member, commented that the exclusion of a written disclosure requirement for Councilmembers may make it possible for conflicts to go undisclosed.

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Mr. Isiogu cautioned Councilmembers that public confidence in City Council has been seriously eroded, and that anytime Council can improve on it, they should do so.

Councilmember Lilly said that no one is under more of a microscope than Councilmembers are. There is no other group of City Employees or Officials that are as scrutinized as Councilmembers. In the past, when a failure to disclose has occurred among Councilmembers, it has been publicized in the press and the public has attended the meetings to hammer the individual involved. People who are in decision making positions need to be held accountable, as much as Councilmembers. He would not object to making a disclosure if the disclosure form were changed, however, the form in it's present state is not applicable to Councilmembers.

Mr. Mertz explained that it is precisely because Councilmembers are part-time that it is so important that strong disclosure requirements be included in the Ordinance. The Ordinance should require that this information be available to the public. The Early Retirement situation would never have happened had Councilmembers made a disclosure before the plan was adopted.

Councilmember Lilly asked for clarification of the intent of the Board with regard to the disclosure requirement. He then proposed that the Draft Ordinance be amended to state that the affidavit of disclosure be filed with the City Clerk for placement on the City Council Agenda.

Councilmember Novak asked that the Draft Ordinance be amended on Page 15, Lines 3-4 to add that the Disclosure be provided in writing to the City Clerk for placement on the City Council Agenda.

Lloyd Teets of 116 E. Elm St. protested the draft ordinance, saying that it does not provide for unethical behavior. The only thing worse than this ordinance would be nothing. The ordinance does not address untruthful statements or representations that are made by City Employees or Officials. Further, he does not agree with the concept of the investigation of a complaint being left with the City Attorney rather than the Board. This ordinance, he said, is too weak and does not live up to his expectations.

Councilmember Novak suggested that if Mr. Teets has written language to propose it can be submitted and considered as an amendment. He should submit it to Councilmembers when he has it available. He asked Board members to provide information about why the City Attorney would provide the initial review of a complaint.

Ethics Board Member Ellen Sullivan, said that the Ordinance does not say that the City Attorney will issue an opinion, or judgement, but that he will provide the Board with a written analysis for the purpose of making the Board aware of legal implications and provisions.

Bernie Sinclair of Alpha St. said that he has attended Board meetings on several occasions and spoken about the water system in Lansing and about part-time employees and representatives of the City who go around and get their names in the newspapers by doing whatever they happen to want to do to the public.

City Attorney Smiertka explained that the ordinance contains provisions for a conflict of interest or appearance of a conflict of interest and provisions for use and mis-use of office and the public trust. Most of the issues that the speaker has mentioned, could be regulated by the law.

Paul Scott of 412 W. Kilborn said that, unlike Mr. Teets, he is generally pleased with the ordinance. If Mr. Mertz and Councilmember Lilly can work out the language they have been discussing, this ordinance will be a good tool. He is happy to see provisions requiring a one year waiting period before the re-hire of former city employees and City Councilmembers. He would like to see an inclusion that requires Police Officers and Fire Fighters to make disclosures.

Mr. Mertz suggested that provisions be added that would provide for the loss of office or employment by adding sanctions that the City Council and Personnel Department would impose. Such as removal from office or position, because of violation of the ordinance.

Councilmember Novak asked City Attorney Smiertka if civil fines rather than misdemeanor fines could be imposed and whether provisions for forfeiture of office are viable.

City Attorney Smiertka said that civil fines could very well be included, however, it would have to be consistent. It could not be civil fines in one instance and misdemeanor fines in another. Forfeiture of office is already provided for in the City Charter. The Ordinance could be amended to reference this section of the City Charter.

Councilmember Novak asked who would have the responsibility for making that type of decision. Mr. Smiertka answered that City Council would

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make that decision and the party involved would have the ability to appeal their decision in a court of law. With respect to employees covered by a collective bargaining agreement, as 95% of City employees are, violation of the ordinance could constitute cause for disciplinary action, but this would have to go through the collective bargaining process.

Gary Andrews of 560 Brookland Blvd. said he will be happy to see the ethics ordinance strengthened. He has attempted to make many complaints to the Ethics Board, but because of the weakness of the ordinance, the Board has been unable to act on any of his complaints.

Councilmember Lilly suggested a sliding scale of fines, with more severe fines assessed against those individuals who hinder or refuse to cooperate with an investigation of the Ethics Board.

Mr. Mertz said that this would have been a valuable asset in the investigation of the Early Retirement issue. Inadvertent violation could be dealt with through a warning, but blatant violations should be subject to prosecution and disciplinary action with a possible consequence being the loss of position.

Councilmember Lilly noted that the Ethics Board is to develop a manual to be distributed to all employees. This manual should let all employees know that there will be severe penalties for refusing to cooperate in investigations.

Mr. Isiogu said that it is the objective of the Board to create a climate in which the public and public employees understand that public office and public employment is a public trust and includes a responsibility to do everything possible not to impede an investigation. They are looking for a climate in which they can get a positive response from both the public and city employees.

Councilmember Novak asked what the process would be for an individual who felt there was a violation of the ordinance to file a complaint.

Mr. Mertz outlined the complaint process set forth in the ordinance.

Alex Bolt of 1230 Reo Rd. asked what this ordinance would do to hold an office holder or city employee responsible for repeated allegations that are untruthful?

Mr. Isiogu said that is an example of an instance when the City Attorney would be needed to advise the Board as to their jurisdiction over the complaint and whether it falls within the parameters of the City Charter and Code of Ordinance provisions.

Councilmember Lilly thanked the members of the Board of Ethics and said that the Citizens of Lansing owe them a great deal of gratitude for the unbelievable number of hours and effort they have voluntarily contributed to the creation of this ordinance.

By Councilmember Beal

That this session of the Committee of the Whole do now rise

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a letter from the City Clerk submitting a Fireworks Permit Application for WILX TV for approval

HANDLED AS RESOLUTION # 0343

2. From Councilmember Lilly; a proclamation from Mayor Hollister to Lansing Lugnuts Banner Donors

RECEIVED AND PLACED ON FILE

3. From Councilmember Lilly; a letter from Pat Reed of the Law firm of Reid and Reid, regarding the purchase of the Board of Water & Light Office Building at 123 W. Ottawa

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4. From Councilmember Lilly; a resolution regarding the unsanitary conditions in Councilmember Leeman's City Council Office

HANDLED AS RESOLUTION #0344

5. From Councilmember Beal; a letter from Mary Jo Kerekes requesting a donation from Council for the Wildcat Baseball Tournament at Gier Park

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COUNCILMEMBERS COMMENTS

Council President Jones thanked the members of the Ethics Board for their participation in tonight's meeting. He thanked Councilmembers Lilly and Novak for moderating the Town Hall Forum segment of tonight's meeting and City Attorney Smiertka for his contribution. He congratulated everyone involved with the

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development of this ordinance, which was done in a thoughtful and deliberative manner.

Councilmember Leeman announced that the Clippert St. reconstruction is finally complete and the street is completely open and rebuilt. He reported attending the Concert in the Park at Moores Park last Thursday. The next concert is at Oak Park this Wednesday from 7:00 P.M. to 9:00 P.M. and will feature the Patti Richards Trio. He reported taking a tour of the Board of Water & Light Erickson Power Station. He thanked the Board of Ethics, the City Clerk, and the City Clerk's Assistant for their work on the Ethics Ordinance.

Councilmember Allen announced an organizational meeting for the Neighborhood Association for Residents of the Second Ward tomorrow night at the South Side Police Precinct. She urged all those interested to attend.

Councilmember Novak congratulated the WSNA on the success of their picnic Saturday at St. Joseph Park. There was a great crowd and they consumed 512 hot dogs. The Downtown Neighborhood Association had a picnic on Sunday with arts and crafts for the kids and sidewalk drawings.

Councilmember Beal announced attending the first ever Eastern, Everett, Sexton Combined 25th High School Reunion. She was very gratified to see how much pride all of the graduates expressed in their schools. She reported receiving a call from Dennis Keller whose son qualified for the AAU Junior Olympics. A number of Olympic medalists got their start in the Junior Olympics. She sympathized with Councilmember Leeman, saying that he is following a tradition set by a number of other first ward Councilmembers. She announced that there is no Ways and Means Committee meeting scheduled for this week.

Councilmember Lilly confirmed the regularly scheduled Development and Planning Committee meeting scheduled for tomorrow. They are trying to clear their agenda.

Councilmember Bauer announced that the Intergovernmental Relations Committee will meet on Friday with the Lansing Public School Board and the District Library Planning Committee. They have finished their work on the District Library Project and have passed a motion sending this issue back to the parent bodies with a request that they move forward with the District Library by October 1, 1996. She commended the Ethics Board for their work on the Ethics Ordinance, and all of the other citizens boards in the city who all do phenomenal work. She commended the Michigan Women's Hall of Fame and the Cooley Gardens Clubs of Lansing on their gardens and the Victorian Tea that hosted 750 people. The Downtown Neighborhood Association's Art in the Park was a wonderful event.

Council President Jones thanked Councilmembers Allen and Benavides, along with the citizens who have participated in the South Side Community Center process. This project is moving ahead, and so is the Greater Lansing Amateur Hockey Association project.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mrs. Estlund Olson announced that the Michigan Department of Transportation has notified her office that the Michigan Ave. Streetscaping Grant has been approved for $221,000. Also that the grant for the extension of the River Trail along the Red Cedar River in the amount of $406,000 has been approved.

The Public Service Department is sponsoring a Cleanup on South Cedar St., between Mt. Hope and Cloverland, this Saturday and is soliciting volunteers. They are meeting at the South Side Police Precinct, where coffee, donuts and balloons will be served. The Mobile City Hall will be at Forest View School tomorrow and will have in-line skating. Tonight the city is hosting the Shiga Otsu, Japanese Delegation at Oldsmobile Park Baseball Stadium.

PUBLIC COMMENTS

Lloyd Teets of 116 E. Elm St. thanked the Board for including whistle blower protection in the Ethics Ordinance. He criticized the Ingham County Drain Commissioner, saying that he is circulating misleading information about Mr. Cotter's campaign literature.

ADJOURNED 9:25 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS AUGUST 5, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Beal, Jones, Lilly, Novak

ABSENT: Councilmembers Bauer, Benavides, Leeman

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by Council President Jones

CONSIDERATION OF LATE ITEMS

There were insufficient votes to suspend the rules for the acceptance of late items.

PUBLIC HEARINGS

A. In Consideration of Z-07-96, 401 W. Holmes Rd., Petition for Rezoning from "J" Parking to "B" Residential Districts (Rear 264 ft.) filed by Church of the Nazarene to allow for the construction of a storage garage

There were no speakers for this public hearing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In consideration of Z-08-95, 500 W. Saginaw St., Petition for Rezoning from "D-1" Professional Office to "F" Commercial District filed by Lisa Garvey of 1-Day Sign Co. to allow her to develop and sell signs from this location

Janet Guinter of 708 N. Chestnut spoke in opposition to this request for rezoning. She stated that there is considerable opposition to the request throughout her neighborhood. Now is the opportunity for Council to show the residents their support. The outcome of this decision will determine wether or not she remains living on N. Chestnut St.

Paul Scott of 412 W. Kilborn spoke in opposition to this rezoning. He urged Council to put a stop to commercial development beginning on the north side of Saginaw at the intersection of Pine and Saginaw.

Robert Bennett of 222 W. Saginaw said that this property is situated on a state trunk-line. This is M-43 we are talking about. Hundreds of cars use this roadway every day. This is exactly the type of location that commercial businesses should be situated on. It will be small businesses like this one that save this City, especially after Oldsmobile moves out. The entire area surrounding this property should be zoned commercial, multi-family, or office.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

Robert Renchler of 5248 Golden Cr. in E. Lansing spoke in support of the two Civil Rights Ordinances.

Bernie Meissner of 635 LaSalle said that it should be clear by now that the people of the City of Lansing oppose the Civil Rights ordinances. Why is Council planning to repeal one of the ordinances and not the other. Council is trying to thwart the will of the people once again by putting two identical measures on the ballot in November. They are deliberately interfering with the political process. If Council truly wants to clarify the ballot language, they will leave the MOST version on the ballot and withdraw their own version.

Mark Eggleston of 4001 Heathgate spoke in support of the letter and petition from Ernesto Mireles protesting the development of a North Side Police Precinct. The City already has a North Precinct. It is located right here in City Hall. We could be using this money to put more community police officers on duty in the north end. The Team Policing concept is not working because the officers keep transferring out and moving to different jobs. He said that Council is making the Civil Rights issue on the November Ballot too confusing. He will work with the MOST group to see that their version is adopted.

Ernesto Mireles 1097 Meadowlawn commented on his letter on tonight's agenda submitting petition signatures in opposition to the development of a North Side Police Precinct. They need community revitalization much more than they need a police substation. If Council really wants to help the people on the north side they will use this money to help teach

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PEOPLE TO WORK MORE EFFECTIVELY TOGETHER AS A COMMUNITY.

LLOYD TEETS OF 116 E. ELM ST. SAID THAT THE SOUTH SIDE POLICE PRECINCT HAS HAD A NEGATIVE EFFECT ON HIS NEIGHBORHOOD BECAUSE THEY LOST THEIR COMMUNITY POLICING OFFICER. THIS IS A TREMENDOUS AMOUNT OF MONEY FOR A BUILDING. IT DOES NOT PUT ANY POLICE BACK ONTO THE STREETS AND DOES NOT PREVENT CRIME, ALL IT DOES IS CREATE ANOTHER BUREAUCRACY FOR THE TAX PAYERS TO SUPPORT. HE PROTESTED THE P.I.L.O.T. PROGRAM FOR EDGEWOOD GLEN, SAYING THAT EVERY TIME COUNCIL PASSES ONE OF THESE, IT PUTS MORE OF A BURDEN ON THE TAX PAYERS.

BOB EGAN OF 733 W. SHIAWASSEE, CO-CHAIR OF THE LANSING EQUAL RIGHTS TASK FORCE, SAID THAT THE LESBIAN AND GAY AND BISEXUAL COMMITTEE HAS BEEN WORKING ON CHANGES LIKE THESE FOR 14 YEARS. MOST IS GUILTY OF SPREADING CONFUSION AND MISINFORMATION, NOT CITY COUNCIL OR THE TASK FORCE. THE NUMBER OF PETITION SIGNATURES COLLECTED BY MOST DOES NOT REPRESENT THE MAJORITY OF RESIDENTS IN LANSING, NOR DOES IT REPRESENT THE MAJORITY OF REGISTERED VOTERS IN THE CITY OF LANSING.

CHERYL VANDEKERKHOVE OF 303 S. HOLMES DECLARED THAT MOST IS GUILTY OF SPREADING MISINFORMATION AND IGNORANCE.

STEVE SWOR OF 724 N. WALNUT SPOKE IN OPPOSITION TO THE NORTH SIDE POLICE PRECINCT. HE PARTICIPATED AS A CIRCULATOR IN THE PETITION DRIVE OPPOSING THIS PROJECT. IN ALL OF THE HOUSES HE VISITED COLLECTING SIGNATURES, ONLY TWO SUPPORTED THE IDEA.

COUNCILMEMBER BEAL STATED, AS A MATTER OF CLARIFICATION, THAT COUNCIL HAS NEVER VOTED ON THE NORTH SIDE POLICE PRECINCT. THE CONTINGENT THAT IS OPPOSING THE PROJECT KEEPS ASKING COUNCIL TO RECONSIDER THEIR VOTE ON THIS ISSUE. THEY CANNOT RECONSIDER A VOTE THAT HAS NEVER BEEN TAKEN. THEY HAVE NOT VOTED TO APPROVE THIS PROJECT, NOR HAVE THEY VOTED TO APPROPRIATE ANY FUNDS FOR IT.

PAUL SCOTT OF 412 W. KILBORN SAID THAT HE IS DISAPPOINTED IN THE APPOINTMENTS TO THE HISTORIC DISTRICT COMMISSION, BECAUSE SOME OF HIS FAVORITE MEMBERS ARE NOT BEING REAPPOINTED.

COMMUNICATIONS AND PETITIONS

BY COUNCILMEMBER ALLEN

THAT COMMUNICATIONS AND PETITIONS BE CONSIDERED AS BEING READ IN FULL AND THAT THE PROPER REFERRALS BE MADE BY PRESIDENT JONES

CARRIED UNANIMOUSLY

A. LETTER FROM THE CAPITAL CITY AIRPORT SUBMITTING THEIR DRAFT ENVIRONMENTAL ASSESSMENT FOR MASTER PLAN DEVELOPMENT

REFERRED TO THE COMMITTEE OF THE WHOLE

B. LETTER FROM EDWARD LIEBLER OF 320 N. SYCAMORE REGARDING THE BUILDING SAFETY CODE COMPLIANCE OFFICE

REFERRED TO THE COMMITTEE ON GENERAL SERVICES, THE CITY ATTORNEY, AND THE COMMITTEE ON PUBLIC SAFETY

C. LETTER FROM 54-A DISTRICT COURT REGARDING THE COMPLETION OF THEIR COLLECTIVE BARGAINING SESSION FOR TEAMSTER LOCAL 580 CONTRACTS

RECEIVED AND PLACED ON FILE

D. LETTER FROM ERNESTO MIRELES, NO ADDRESS GIVEN, SUBMITTING 335 PETITION SIGNATURES PROTESTING THE DEVELOPMENT AND FUNDING OF A NORTH SIDE POLICE PRECINCT

REFERRED TO THE MAYOR, THE COMMITTEE ON PUBLIC SAFETY, AND THE COMMITTEE ON WAYS AND MEANS

E. LETTER FROM THE RETIRED & SENIOR VOLUNTEER PROGRAM 6545 MERCANTILE WAY #1A-1 REGARDING TRAINING REQUIREMENTS OF THEIR VOLUNTEERS

RECEIVED AND PLACED ON FILE

F. LETTER FROM CONTINENTAL CABLEVISION SUBMITTING NOTICE OF A RATE INCREASE FOR EQUIPMENT AND INSTALLATION BEGINNING SEPTEMBER 1, 1996

REFERRED TO THE CABLE AND TELECOMMUNICATIONS ADVISORY BOARD

G. Z-11-96, LOTS 4 THRU 8, ST. JOSEPH ST., PETITION FOR REZONING FROM "C" RESIDENTIAL TO "H" LIGHT INDUSTRIAL DISTRICT, FILED BY PETE DELUCA OF 800 E. ST. JOSEPH ST.

REFERRED TO THE MAYOR AND THE PLANNING BOARD

MAYOR'S COMMENTS

MAYOR HOLLISTER UPDATED COUNCIL ON THE STATUS OF THE CATA GROUND TRANSPORTATION CENTER PROJECT. THE LAST REMAINING ISSUE OF CONTENTION BETWEEN THE CITY AND CATA IS THE STAFFING OF THE POLICE SUB-STATION THAT WILL BE LOCATED IN THE CENTER. CATA HAS CANCELED THE DATE FOR THE FINAL CLOSING BECAUSE OF THEIR LACK OF

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UNDERSTANDING ON THIS ISSUE. IT IS THE CITY'S CONTENTION THAT THEY SHOULD HANDLE THIS POLICE COVERAGE IN THE SAME MANNER AS THEY HANDLED THE PROVISION OF COVERAGE FOR OLDSMOBILE PARK, BY INCLUDING A SIMPLE STATEMENT THAT THE CITY OF LANSING WILL ACCEPT THE RESPONSIBILITY FOR PROVISION OF ADEQUATE POLICE COVERAGE. CATA, ON THE OTHER HAND, WANTS THE CITY TO DEAL IN SPECIFICITIES, LIKE SETTING FORTH A SCHEDULE FOR POLICE COVERAGE. THIS IS A FUNCTION THAT HIS ADMINISTRATION FEELS IS BETTER LEFT TO THE DISCRETION OF THE POLICE CHIEF. THERE IS NO NEED FOR DETAILED LANGUAGE REGARDING THIS COVERAGE TO BE INCLUDED IN THE CONTRACT.

HE REPORTED THAT THE MUCC BUILDING CONTRACT HAS BEEN CONSUMMATED WITH A 40 DAY ESCAPE CLAUSE. HE LOOKS FORWARD TO AN ANNOUNCEMENT REGARDING A MULTI-STORY BUILDING (MORE THAN THE THREE STORIES PLANNED BY MUCC) TO BE MADE IN THE NEAR FUTURE.

CITY OFFICER AND BOARD REPORTS

A. INFORMATION-ONLY ITEMS FROM THE CITY CLERK:

LETTER FROM THE CITY CLERK NOTIFYING COUNCILMEMBERS OF THE RECEIPT OF MINUTES FROM CITY BOARD AND AUTHORITIES

RECEIVED AND PLACED ON FILE

B. LETTERS FROM THE CITY ATTORNEY RE:

1. GREAT LAKES BANCORP V CITY OF LANSING

RECEIVED AND PLACED ON FILE

2. BERNIE J. MEISSNER V CITY OF LANSING

RECEIVED AND PLACED ON FILE

C. LETTERS FROM THE MAYOR RE:

1/ APPOINTMENT OF RONALD KOENIG TO THE HISTORIC DISTRICT COMMISSION FOR A TERM TO EXPIRE JUNE 30, 2000

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2/ APPOINTMENT OF PENNY ZAGO TO THE HISTORIC DISTRICT COMMISSION FOR A TERM TO EXPIRE JUNE 30, 2000

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3/ ACQUISITION OF PROPERTY; 1556 ROOSEVELT AVE.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ PROPOSED RESTRUCTURING OF SALE OF LOTS AT EVERGREEN CEMETERY, SECTION J.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ LETTER OF APPRECIATION

RECEIVED AND PLACED ON FILE

6/ TRANSFER OF FUNDS: LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ REQUEST FOR COMMUNITY USE FUNDS: STRENGTHENING MICHIGAN FAMILIES PROJECT, FIRE BURNING RELIEF RALLY

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ 1996 DOWNTOWN SIDEWALK REPAIR, PUBLIC IMPROVEMENT III

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

9/ ACQUISITION OF PROPERTY 117 CLIFFORD ST.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

10/ ACT-19-96, E. SIDE OF THE 2600-2700 BLOCK OF S. CEDAR ST., VACATION OF UTILITY EASEMENTS

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

COMMITTEE REPORTS

RESOLUTION #345
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, TO WHOM WAS REFERRED A LETTER FROM THE CITY CLERK CERTIFYING THAT THE MOST REFERENDUM PETITION TO REPEAL ORDINANCE #945, CONTAINED THE REQUISITE AMOUNT OF SIGNATURES TO PLACE THE ISSUE ON THE NEXT REGULAR ELECTION BALLOT.

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS THE ADOPTION OF AN ORDINANCE TO REPEAL ORDINANCE #945 IN IT'S ENTIRETY.

SIGNED: HOWARD JONES, CHAIR
ELLEN BEAL, VICE-CHAIR
SANDY ALLEN
JOAN BAUER
TONY BENAVIDES
HAROLD LEEMAN
RICK LILLY

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Paul Novak

BY COUNCILMEMBER BEAL

That the report of the committee be adopted.

CARRIED UNANIMOUSLY

August 5, 1996

COUNCILMEMBER NOVAK REQUESTED THAT IT BE RECORDED IN THE MINUTES OF THIS MEETING THAT HIS VOTE ON THIS ISSUE IS PREDICATED ON THE FACT THAT THE COURT OF APPEALS DOES NOT UPSET CIRCUIT COURT RULING ON THE CIVIL RIGHTS PETITIONS

RESOLUTION #346
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred rezoning petition Z-5-96, vacant land at the southwest corner of South Martin Luther King Jr. Boulevard and Mary Avenue, from "F" Commercial District and "J" Parking District to "F" Commercial District, filed by Joseph P. Maguire of Wolverine Development Corporation,

REPORTS AS FOLLOWS: The committee recommends Council approval of the Z-5-96 ordinance as introduced, which would grant the rezoning petition as filed. This report is for information only.

Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

Carried unanimously

RESOLUTION #347
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred rezoning petition Z-6-96, 206 East Grand River Avenue, from "F-1" Commercial District to "G-1" Business District, filed by Richard Karp, representing owners Rork House LDHA LP,

REPORTS AS FOLLOWS: The Committee recommends Council approval of the Z-6-96 ordinance as introduced, which would grant the rezoning petition as filed. This report is for information only.

Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

Carried unanimously

RESOLUTIONS

RESOLUTION #348
BY COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
SALE OF LOT 6, R.E. OLDS PLAT

WHEREAS, a purchase and development agreement which includes a development proposal to construct a bakery on Lot 6 of the R. E. Olds Plat, a 5.29 acre parcel of property owned by the City, has been signed by the Quality Dairy Company; and

WHEREAS, at a cost of $16,000 an acre the total purchase price of this lot will exceed $50,000.00, therefore requiring that the signed offer to purchase, pursuant to Article 8, Chapter 4 of the Lansing City Charter, and Section 208.08 of the Lansing Code of Ordinances, be placed on file in the office of the City Clerk for a thirty (30) day period, and that a Public Hearing on the proposed sale of the property held before the City Council subsequent to that time; and

WHEREAS, the offer was placed on file in the City Clerk's Office on July 24, 1996;

NOW, THEREFORE, BE IT RESOLVED, that a Public Hearing shall be held on Monday, August 26, 1996, to consider the sale of Lot 6 of the R.E Olds Plat more particularly described as:

Lot 6, of the R. E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36, and 37, containing 5.29 acres.

to The Quality Dairy Company.

By Councilmember Lilly

Carried unanimously

RESOLUTION #349
BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
Act-10-94 Sale of Parking Lot #14,
NE Corner of Saginaw and Westmoreland

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WHEREAS, St. Lawrence Hospital has offered to purchase the City of Lansing's Parking Lot #14, on the northeast corner of Saginaw and Westmoreland Streets; and

WHEREAS, the Planning Board conducted an ACT 285 Review (ACT-10-94) for character, location and extent of the subject parcel, and found that the sale of Parking Lot #14 would be in the public interest, provided that the parking needs of the area businesses are met, that the lot retains its landscaping, and that St. Lawrence apply to rezone the property to "DM-4" Residential District, which would allow the private hospital use of the parking lot; and

WHEREAS, on October 18, 1994, the Planning Board recommended approval of the request to make the property available for sale at fair market value, with conditions; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith; and

WHEREAS, the conditions specified in the Planning Board recommendation have been satisfied;

NOW, THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the sale of Parking Lot #14, more particularly described as:

> Lots 142 and 143 of Oakdale Addition to the City of Lansing, City of Lansing, Ingham County, Michigan as recorded in Liber 3 of Plats, Page 37, Ingham County Records,

to St. Lawrence Hospital, for the sum of thirty two thousand dollars ($32,000.00).

BE IT FURTHER RESOLVED, the Mayor, on behalf of the City, is authorized to execute all documents necessary to effectuate the aforestated transaction, subject to the prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #350
REPORT OF COMMITTEE
THE COMMITTEE ON WAYS AND MEANS

TO WHOM WAS REFERRED: An ordinance amending Chapter 888 of the Code of Ordinances of the City of Lansing, by adding a new Section, 888.10, to the Code of Ordinances of the City of Lansing, Michigan for the purpose of Providing for the Payment of a Service Charge in Lieu of Taxes (P.I.L.O.T) for a Project known as Edgewood Glen.

REPORTS AS FOLLOWS: That the proposed ordinance amendment be adopted.

SIGNED

Councilmember Beal, Chair
Councilmember Harold Leeman, Jr., Vice Chair
Councilmember Howard Jones, member

August 5, 1996

By Councilmember Beal

That the report of the committee be adopted.

Carried unanimously

RESOLUTION #351
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has recommended the appointment of Gayle Valentine to the Board of Review; and

WHEREAS, the Committee interviewed Ms. Valentine and found her to be well qualified and committed to serving the City of Lansing in this capacity;

NOW, THEREFORE, BE IT RESOLVED that the reappointment of Gayle Valentine to the Board of Review is hereby confirmed as recommended by the Mayor. Term will expire in June of 1999.

By Councilmember Beal

Carried unanimously

RESOLUTION #352
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has recommended the appointment of Ms. Robbyne Jones, 4136 Rivershell Lane, to the Board of Review; and

WHEREAS, the Committee interviewed Ms. Jones and found her to be well qualified and committed to serving the City of Lansing in this capacity;

NOW, THEREFORE, BE IT RESOLVED that the reappointment of Ms. Robbyne Jones to the Board of Review is hereby confirmed as recommended by the Mayor. Term will expire in June of 1999.

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By Councilmember Beal

Carried unanimously

RESOLUTION #353
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, in 1995, the State of Michigan abolished the Michigan equity program, which provided $278,000 in annual funding for arts and cultural projects in the City of Lansing; and

WHEREAS, in 1995, the State of Michigan established the Arts and Cultural Projects for Cities, Townships and Villages . (ACP/CTV) program, a statewide competitive matching grant program to provide funds for such projects; and

WHEREAS, in December 21, 1995, the Mayor invited all past participants of the Michigan Equity Program to submit projects to the City for its FY 1996 ACP/CTV application; and

WHEREAS, on January 11, 1996, the city submitted an application for FY96 ACP/CTV funds on behalf of eleven (11) projects totaling $148,060.00; and

WHEREAS, each organization submitting a project provided its own matching funds, and no additional outlay of City of Lansing funds will be required; and

WHEREAS, the State approved funding for three (3) of these projects, totaling $22,600.00; and

WHEREAS, the City has now received a Contract for Arts Services for FY96 from the State; and

WHEREAS, this Contract has been reviewed and approved by the Committee on Ways and Means;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the FY96 Contract for Arts Services for $22,600 in Arts and Cultural Projects for Cities, Townships and Villages program funds for the following projects:

Michigan Women's Hall of Fame
Cooley House repainting & exhibits
$4,600

R.E. Olds Museum
Gift Shop renovations $13,800

Black Child and Family Institute
Soul Fest $4,200

Total $22,600

BE IT FINALLY RESOLVED, the Mayor is hereby authorized to execute this Contract for Arts Services on behalf of the City, and to establish the appropriate expenditure accounts for this grant.

By Councilmember Beal

Carried unanimously

RESOLUTION #354
BY THE COMMITTEE ON DEVELOPMENT & PLANNING

WHEREAS, on June 6, 1996 by Larry Andrick, of Mourer-Foster Incorporated, 615 N. Capitol Avenue, submitted a request to the Historic District Commission to establish a Historic District Study Committee to investigate the potential for establishing a local Historic District at the Mourer-Foster Building', 615 N. Capitol Avenue, and neighboring historic properties; and

WHEREAS, at its meeting on June 6, 1996, the Historic District Commission voted unanimously (7-0) to forward this request to the Mayor and City Council with a recommendation to proceed with the establishment of the Historic District Study Committee in accordance with Section 1220.03 of the Codified Ordinances; and

WHEREAS, the Historic District Study Committee is responsible for conducting an inventory of properties, conducting basic research on each property under consideration, preparing a preliminary Committee report that addresses the historic significance of the district, submitting its report to the Historic District Commission, and assisting the Commission with disseminating the preliminary report to various agencies for recommendations, holding a public hearing, and preparing a final report for City Council approval; and

WHEREAS, the Mourer Foster Building is a landmark on N. Capitol, with its neighboring properties, provides an attractive transition between the central business district and the surrounding neighborhood;

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Historic District Commission and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby establishes a Historic District Study Committee composed of five (5) members; with three (3) members representing the Historic District Commission and two (2)

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members who are interested citizens from the affected area; in accordance with Section 1220.03 of the Codified ordinances, to provide a recommendation regarding the establishment of a local Historic District at the Mourer-Foster Building, 615 N. Capitol Avenue, and its environs.

By Councilmember Lilly

Carried unanimously

RESOLUTION #355
BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, representatives of Jonna Companies appeared at the July 30, 1996 Development and Planning Committee meeting and presented a conceptual project for the City property commonly known as the B-1 parking site (the parking lot on the southwest corner of Capitol Avenue and Shiawassee Street); and

WHEREAS, said concept is materially and substantially different from the development proposal submitted in 1989-1990 by Jonna Companies for the development of said property and referenced in Resolution #594 of 1990 regarding said property and Jonna Companies; and

WHEREAS, Jonna Companies requested the Committee on Development and Planning postpone action concerning said property until it has had the opportunity to meet with representatives of the Department of Planning and Neighborhood Development to present its new conceptual project;

NOW, THEREFORE, BE IT RESOLVED that Jonna Companies is given until October 1, 1996 to present its new conceptual project for the B-1 parking site to representatives of the administration for consideration and review, and that after October 1, 1996, the matter be returned to the Committee on Development and Planning.

BE IT FINALLY RESOLVED that when the matter is returned to the Committee on Development and Planning, the Mayor is requested to provide a recommendation concerning said project.

By Councilmember Lilly

To place an affirmative roll on the resolution

FOLLOWING CONSIDERABLE DISCUSSION OF THIS ITEM THE FOLLOWING MOTION WAS MADE:

By Councilmember Novak

To call the question on the passage of this resolution to a vote

Carried unanimously

COUNCILMEMBER LILLY'S MOTION FOR AFFIRMATIVE ROLL WAS:

Carried unanimously

RESOLUTION #356
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Citizens have submitted a Referendum Petition to the City Clerk, to wit:

Ordinance to be Referred
Ordinance No. 944 of March 18, 1996

An ordinance to amend, restate and revise Chapter 296 of the Codified Ordinances of Lansing, Michigan in its entirety to define and extend certain civil rights in the areas of housing, employment, public accommodations and public services; to prohibit certain discriminatory practices; to extend the protection of said Chapter, as amended, restated and revised to the new protected classes of sexual orientation, familial status and height and weight; to provide for the administration and enforcement of the provisions of said Chapter; to provide exemptions from said Chapter and to provide penalties for violations of the Chapter as civil infractions. The full text of Ordinance No. 944 is contained in six pages attached hereto and made a part of this petition.

Shall this ordinance be approved?

Yes _____
No _____

WHEREAS, the City Clerk has certified that the appropriate number of signatures exist for placement of this Referendum Petition on the November 5, 1996 ballot and that the petition is proper as to form;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby directs in accordance with the provisions of the City Charter that the proposal be submitted on the November 5, 1996 ballot.

By Councilmember Lilly

Carried unanimously

ORDINANCES FOR PASSAGE

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BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING; OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-05-96, VACANT PROPERTY AT THE SW CORNER OF S. M. L. KING BLVD. AND MARY AVE., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-05-96, VACANT PROPERTY AT THE SW CORNER OF S. M. L. KING BLVD. AND MARY AVE., BE NOW PASSED

YEAS: Councilmembers Allen, Beal, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Bauer, Benavides, Leeman

ORDINANCE #2398

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows: To change the zoning classification on the property described as follows:

Case Number: Z-5-96, Vacant Land, SW Cor., So. M.L. King Blvd. and Mary Avenue

Parcel Number: 3301-32-252-122

Legal Description: North 153.5 ft. Lot 15, except the West 66 ft., and East 85 ft. of the West 151 ft. Lot 15 except the north 153.5 ft., Brierley Hill Subdivision, City of Lansing, Ingham County, Michigan

From "F" Commercial and "J" Parking to "F" Commercial District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Marilynn Slade, City Clerk

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE C)F ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1 246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-06-96, 206 E. GRAND RIVER AVE., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-06-96, 206 E. GRAND RIVER AVE., BE NOW PASSED

YEAS: Councilmembers Allen, Beal, Jones, Lilly, Novak

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NAYS: None

ABSENT: Councilmembers Bauer, Benavides, Leeman

ORDINANCE #2399

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows: To change the zoning classification on the property described as follows:

Case Number:	Z-6-96, 206 E. Grand River Avenue
Parcel Number:	3301-09-402-071
Legal Description:	The West 20.44 ft. of the East 44.44 ft. of the North 80 ft. of Lot 2, Subdivision of Block 12, City of Lansing, Ingham County, Michigan

From "F-1" Commercial District to "G-1" Business District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Marilynn Slade, City Clerk

BY THE COMMITTEE ON WAYS AND MEANS

By COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION, SECTION 888.10 FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT OF A SERVICE CHARGE IN LIEU OF TAXES FOR A PROJECT KNOWN AS EDGEWOOD GLEN, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON WAYS AND MEANS :

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 888 BY ADDING A NEW SECTION, SECTION 888.10 FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT OF A SERVICE CHARGE IN LIEU OF TAXES FOR A PROJECT KNOWN AS EDGEWOOD GLEN, BE NOW PASSED.

YEAS: Councilmembers Allen, Beal, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Bauer, Benavides, Leeman

ORDINANCE NO. 951

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 888 AND ADDING A NEW SECTION 888.10 FOR THE PURPOSE OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR A PROJECT KNOWN AS EDGEWOOD GLEN, WHICH PROJECT SHALL CONSIST OF TWENTY (20) DWELLING UNITS FOR PERSONS OF LOW AND MODERATE INCOME PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

The City of Lansing ordains:

Section 1. That Chapter 888 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new Section 888.10 to read as follows:

888.10 EDGEWOOD GLEN.

(A) PURPOSE. IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE AND ITS POLITICAL SUBDIVISIONS IS TO PROVIDE HOUSING FOR ITS RESIDENTS OF LOW AND MODERATE INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, BEING PUBLIC ACT 346 OF 1966, AS AMENDED (M.C.L.A. 125.1401 ET SEQ; M.S.A. 116.114(L) ET SEQ). THE CITY IS AUTHORIZED BY SUCH ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION UNDER SUCH ACT AT ANY AMOUNT IT CHOOSES, NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER ACKNOWLEDGED THAT SUCH HOUSING FOR PERSONS OF LOW AND MODERATE INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE BENEFITTED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR SUCH HOUSING IS A VALID PUBLIC PURPOSE. IT IS FURTHER ACKNOWLEDGED THAT THE CONTINUANCE OF THE PROVISIONS OF THIS SECTION FOR TAX EXEMPTION AND THE SERVICE CHARGE IN LIEU OF TAXES DURING THE PERIODS

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CONTEMPLATED IN THIS SECTION ARE ESSENTIAL TO THE DETERMINATION OF ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT KNOWN AS EDGEWOOD GLEN WHICH IS TO BE CONSTRUCTED AND FINANCED IN RELIANCE UPON SUCH SECTION AND SERVICE CHARGE.

(B) DEFINITIONS.

(1) "ACT" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT, BEING PUBLIC ACT 346 OF 1966, AS AMENDED.

(2) "ANNUAL SHELTER RENTS" MEANS THE TOTAL COLLECTIONS DURING AN AGREED ANNUAL PERIOD FROM ALL OCCUPANTS OF A HOUSING DEVELOPMENT REPRESENTING RENTS FOR OCCUPANCY, WHICH RENTAL AMOUNTS SHALL BE EXCLUSIVE OF CHARGES FOR GAS, ELECTRICITY, HEAT OR OTHER UTILITIES FURNISHED TO THE OCCUPANTS.

(3) "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.

(4) "COMMENCEMENT OF CONSTRUCTION" MEANS THE COMMENCEMENT OF THE REHABILITATION OF THE EXISTING FACILITIES TO BE KNOWN AS EDGEWOOD GLEN.

(5) "CONTRACT RENTS" IS DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) IN REGULATIONS PROMULGATED PURSUANT TO SECTION 8 OF THE UNITED STATES HOUSING ACT OF 1937, AS AMENDED.

(6) "FEDERALLY AIDED MORTGAGE" MEANS A MORTGAGE ON A HOUSING PROJECT TO WHICH. THE AUTHORITY ALLOCATES LOW INCOME HOUSING TAX CREDITS UNDER SECTION 22B OF THE ACT.

(7) "HOUSING DEVELOPMENT" MEANS A DEVELOPMENT WHICH CONTAINS A SIGNIFICANT ELEMENT OF HOUSING FOR PERSONS OF LOW AND MODERATE INCOME AND SUCH ELEMENTS OF OTHER HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL AND EDUCATIONAL FACILITIES AS THE AUTHORITY MAY DETERMINE WILL IMPROVE THE QUALITY OF THE ' DEVELOPMENT AS IT RELATES TO HOUSING FOR PERSONS OF LOW AND
MODERATE INCOME. FOR PURPOSES OF THIS SECTION, THE NAME OF THIS DEVELOPMENT SHALL BE EDGEWOOD GLEN.

(8) "HUD" MEANS THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OF THE UNITED STATES GOVERNMENT.

(9) "MORTGAGE" MEANS A LOAN TO BE MADE BY THE AUTHORITY, HUD AND/OR A PRIVATE ENTITY TO THE SPONSOR FOR THE CONSTRUCTION AND/OR PERMANENT FINANCING OF THE HOUSING DEVELOPMENT.

(10) "SPONSOR" MEANS A PERSON OR OTHER ENTITY WHO OR WHICH HAS APPLIED TO EITHER THE AUTHORITY FOR A MORTGAGE LOAN TO FINANCE THE HOUSING DEVELOPMENT OR TO ANOTHER GOVERNMENTAL OR PRIVATE ENTITY FOR A FEDERALLY-AIDED MORTGAGE, AS DEFINED BY THE ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR IS EDGEWOOD GLEN.

(11) "UTILITIES" MEANS FUEL, WATER, SANITARY SEWER AND/OR ELECTRICAL SERVICE, WHICH IS PAID FOR BY THE HOUSING DEVELOPMENT.

(C) ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

(1) THE CITY, ACKNOWLEDGING THAT THE SPONSOR AND THE AUTHORITY, HUD IN THE CASE OF THE SPONSOR RECEIVING A MORTGAGE LOAN FROM THE AUTHORITY, AND/OR THE PRIVATE ENTITY THAT IS PRIVATELY FINANCING THE PROJECT, HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF THE HOUSING DEVELOPMENT IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND UPON THE QUALIFICATION OF THE HOUSING DEVELOPMENT FOR EXEMPTION FROM ALL PROPERTY TAXES AS ESTABLISHED IN THIS SECTION, WILL ACCEPT PAYMENT OF AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES IN LIEU OF ALL PROPERTY TAXES UPON ANNUAL CERTIFICATION OR AT THE REQUEST OF THE CITY, THAT THE SPONSOR HAS RECEIVED AND/OR IS MAINTAINING ITS ALLOCATION OF LOW INCOME HOUSING CREDITS BY THE AUTHORITY TO THE SPONSOR; AND, PROVIDED FURTHER, THAT THE NUMBER OF UNITS AND ITS PURPOSES ARE NOT INCREASED, DECREASED, OR ALTERED IN ANY FORM WITHOUT PRIOR CONSENT OF COUNCIL THROUGH AN AMENDATORY PROVISION TO THIS SECTION.

(2) THE ANNUAL SERVICE CHARGE SHALL BE EQUAL TO FOUR PERCENT OF THE DIFFERENCE BETWEEN THE CONTRACT RENTS ACTUALLY COLLECTED AND UTILITIES.

(D) PAYMENT OF ANNUAL SERVICE CHARGE. THE SERVICE CHARGE IN LIEU OF TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS CALCULATED.

(E) CONTRACTUAL EFFECT. NOTWITHSTANDING THE PROVISIONS OF SECTION 15 (A) (5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY AND THE SPONSOR, WITH THE AUTHORITY AS THIRD PARTY BENEFICIARY UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT PAYMENTS IN LIEU OF TAXES AS PREVIOUSLY DESCRIBED, WILL BE EFFECTUATED BY THE ENACTMENT OF THIS SECTION BY COUNCIL.

(F) DURATION; COMMENCEMENT OF CONSTRUCTION. THE PROPERTY TAX EXEMPT STATUS OF THE HOUSING DEVELOPMENT APPROVED BY THIS SECTION SHALL COMMENCE JANUARY 1, 1992 AND REMAIN IN EFFECT AND SHALL NOT TERMINATE SO LONG AS THE MORTGAGE LOAN FOR

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THE HOUSING DEVELOPMENT REMAINS OUTSTANDING AND UNPAID, OR FOR SUCH PERIOD AS THE AUTHORITY OR OTHER GOVERNMENTAL ENTITY HAS ANY INTEREST IN THE PROPERTY, AND THAT THE NUMBER OF UNITS AND THE PURPOSES FOR THE DEVELOPMENT REMAINS UNCHANGED SUBJECT TO AMENDMENT IN ACCORDANCE WITH THE LANSING CITY CHARTER.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

BY THE COMMITTEE OF THE WHOLE

By COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE PROVIDING FOR THE REPEAL OF ORDINANCE #945 OF MARCH 18, 1996 WHICH WOULD AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING, CHAPTER 297, SECTION 297.02, 297.03, 297.04, 297.06; AND ADDING NEW SECTIONS 297.08, 297.09 AND 297.10., BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE OF THE WHOLE :

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE PROVIDING FOR THE REPEAL OF ORDINANCE #945 OF MARCH 18, 1996 WHICH WOULD AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 297, SECTION 297.02, 297.03, 297.04, 297.06; AND ADDING NEW SECTIONS 297.08, 297.09 AND 297.10., BE NOW PASSED.

YEAS: Councilmembers Allen, Beal, Jones, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Bauer, Benavides, Leeman

ORDINANCE NO. 952

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF ORDINANCE NO. 945 OF MARCH 18, 1996 WHICH WOULD AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 297, SECTION 297.02, 297.03, 297.04, 297.06; AND ADDING NEW SECTIONS 297.08, 297.09, AND 297.10. THIS REPEAL OF ORDINANCE NO. 945 OF MARCH 18, 1996, WHICH IS THE SUBJECT OF A REFERENDUM PETITION, IS PURSUANT TO SECTION 2-405.1(B)(1) OF THE CHARTER OF THE CITY OF LANSING.

The City of Lansing Ordains:

Section 1. The Code of Ordinances of the City of Lansing amending the Code of Ordinances of the City of Lansing by amending Chapter 297, Section 297.02, 297.03, 297.04, 297.06; and adding new Sections 297.08, 297.09, and 297.10; for the purpose of providing new protected classes of sexual orientation, familial status, and source of income within the jurisdiction of the Human Relations Board, are hereby repealed and declared null and void and of no effect.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance repeal is pursuant to Section 2-405.1(b)(1) of the Charter of the City of Lansing and, therefore, is given immediate effect.

MARILYNN SLADE, CITY CLERK

COUNCILMEMBER NOVAK REQUESTED THAT IT BE RECORDED IN THE MINUTES OF THIS MEETING THAT HIS VOTE ON THIS ISSUE IS PREDICATED ON THE FACT THAT THE COURT OF APPEALS DOES NOT UPSET CIRCUIT COURT RULING ON THE CIVIL RIGHTS PETITIONS

CONSIDERATION OF LATE ITEMS

There were no late items for consideration

MOTION OF EXCUSED ABSENCE

By Council Member Allen

To Excuse Councilmembers Bauer, Benavides and Leeman from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

Ed Simmer of 4609 Dyer protested the lack of increased police patrols on City streets. He urged Council to make sure the City hires more

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Police Officers, because the City is not safe anymore.

Esther Rodriguez of 3329 Creston said that people should be allowed to make any type of statement they want at Council meetings. They should not be restricted to agenda items or City business.

Mark Eggleston of 3021 Heathgate said that following construction in his neighborhood recently, a flashing barrier sign was left on his street corner. Please see that this sign is picked up. He stated his endorsement of a candidate in the Ingham County Sheriff race. He paid his respects to Gladstones, Inc., a longtime business establishment in the City of Lansing that recently closed.

Lloyd Teets of 116 E. Elm St. urged everyone to get out and vote tomorrow. He criticized the handling of the sale of the Board of Water & Light General Office Building.

Chris Cotter of 2141 Harding Ave. criticized the State Journal for printing letters that attacked his campaign for Ingham County Drain Commissioner and asked that they print something illustrating his point of view.

Ben Behnke of 2115 Clearview protested the preferential treatment shown to City of Lansing residents in the hiring of Lansing Fire Department personnel, particularly in view of the fact that the new Fire Chief was hired from out of state.

Bernie Meissner of 735 LaSalle Blvd. expressed his pleasure at the prospect of seeing the MOST proposal to repeal the Civil Rights Ordinances on the November 1996 General Election Ballot. The Civil Rights Ordinance is not the comprehensive ordinance that the Task Force claims that it is. Most of the rights that the Task Force credits this ordinance with covering are already covered by State and Federal laws. There was only one purpose for this ordinance, and it is the extension of special rights based on sexual preference. He stated his support of the ordinance repealing ordinance #945.

COUNCILMEMBERS COMMENTS

Councilmember Allen thanked the members of the South Lansing Business Association and the Kiwanis Clubs for their help in the clean up of Cedar St. on Saturday. They even had a woman volunteer from Okemos and volunteers from Eaton Rapids who helped. She stated that she will miss a lot of the celebration for National Night Out Against Crime, because she will be working the polls.

Councilmember Novak commended Councilmember Leeman for taking the appropriate action with respect to the condition of his office.

Councilmember Beal confirmed the regularly scheduled meeting of the Ways and Means Committee this Wednesday at 4:00 P.M. where they will review the sewer rate methodology. She asked the Administration to see that the Committee is provided with the full cooperation of the Board of Water & Light in terms of information they have requested.

Council President Jones urged everyone to get out and vote tomorrow. The Polls open at 7:00 A.M. and will remain open until 8:00 P.M.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener expressed his sympathy for Mr. Simmer's son and the experience he had with a robbery over the weekend. The Mayor's Office has been in consultation with the Police Department on a series of robberies that have taken place on the south side. There are two different groups of robbers involved. He announced that the North Side Police Precinct will be before the Ways and Means Committee for a presentation by the Chief of Police at their Meeting this Wednesday. It is the intent of this project to do what people have been asking for; to facilitate community organizations and neighborhood associations need for a meeting place, and to empower the public. This is not an attempt to put an occupying army in the neighborhood and hopefully, will not be seen that way. Most of the citizens of the North Side see this as something positive.

ADJOURNED 9:30 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS AUGUST 12, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a Moment of Silence in honor of the late Bill Fabijancic, a Lansing Police Officer. President Jones sent condolences to Diane Fabijancic and the Fabijancic Family. The Pledge of Allegiance was led by President Jones.

APPROVAL OF MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of July 29, 1996 as submitted

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a request to suspend the rules to allow for the reconsideration of Resolution #349 approved on August 5, 1996 for the purpose of placing an affirmative roll on the resolution to ratify the action taken by the Council at that meeting

2. From Councilmember Beal; a request that the rules be suspended to allow for the reconsideration of Resolution #353 approved on August 5, 1996 for the purpose of placing an affirmative roll on the resolution to ratify the action taken by the Council at that meeting

3. From Councilmember Leeman; a substitute resolution for Item XII C-8 from the Committee on Ways and Means

4. From Councilmember Lilly; a request that the two resolutions approving appointments to the Historic District Commission be pulled from the agenda

5. From Council President Jones; a request that Special Ceremony V A. be pulled at the Direction of Mayor Hollister

SPECIAL CEREMONIES

A. Proclamation in Recognition of Hershey Track and Field Participants

PULLED FROM THE AGENDA AT THE REQUEST OF MAYOR HOLLISTER

B. Council President Jones introduced students and teacher facilitators that participated in the Russian-American Leadership Exchange Program for Youth. The students described the reciprocal project that involved a visit to Russia for them, and hosting a Russian student at their homes upon their return. They thanked the Sister Cities Commission and the Global Hope Makers team that made this experience possible for them.

PUBLIC COMMENT

Diane Brewer, Capital City Riverfest Manager asked Council to pass a resolution authorizing Special Event Parking Rates for this year's Riverfest. She mentioned that an event has been scheduled for Oldsmobile Park during one night of the Riverfest, however, she is confident that negotiations can be made to share the parking revenues between the two events. She described some of the new attractions at this year's Riverfest, as well as past events that will be returning. They will resurrect the Lighted Float Parade this year, and add a new event, The Great Lake Skate. They will have a 5K Run/Walk event on Saturday. There will be musical groups at all three sound stages.

Lloyd Teets of 116 E. Elm St. stated his concern over the issue raised in the letter from Ben Behnke. The preference provision for Lansing residents is only supposed to come into play when all the candidates share equal qualifications for the job. In the case of a candidate who is more qualified than another this provision should not be used. Obviously, the Personnel Department is mishandling the policy adopted by Council.

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COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Z-12-96, 617 W. Ionia, Petition for Rezoning from "DM-4" Residential to "D-2" Residential-Office District filed by Michigan Retailers Assn. of 221 N. Pine to allow for the development of Additional Office Space for their Employees

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. Letter from the State of Michigan Department of Transportation submitting MDOT Contract #96-5401 for Michigan Ave. Streetscaping

REFERRED TO THE MAYOR

C. Letter from Gladys Gilson of 223 W. Barnes Ave. regarding the expense of overtime for City of Lansing Employees

REFERRED TO THE MAYOR

D. Letter from Ben Behnke, no address given, protesting the Personnel Department's preferential treatment of Lansing Resident's in hiring situations

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

E. Letter from the Eastside Neighborhood Organization in support of a North Side Police Precinct in the Pruden Building at 728 N. Saginaw

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

F. Letter from the East Side Commercial Club of P.O. Box 15041 in support of a North Side Police Precinct in the Pruden Building at 728 N. Saginaw

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

G. Letter and 69 Petition Signatures from residents requesting the installation of a 4-Way Stop Sign at the intersection of Gier and Creston Streets

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD AND THE COMMITTEE ON PUBLIC SAFETY

H. Z-13-96, Parking Lot at the NE Corner of Saginaw and Westmoreland, Petition for Rezoning from "B" Residential to "DM-4" Residential District filed by St. Lawrence Hospital to allow for the transfer of the property to the Hospital under conditions imposed by the Planning Board

REFERRED TO THE MAYOR AND THE PLANNING BOARD

MAYOR'S COMMENTS

Mayor Hollister thanked President Jones for observing the moment of silence in memory of Officer Fabijancic. He announced the Annual Employee Recognition Picnic this Wednesday at 4:00 at Frances Park.

He reported that next Thursday, August 22, 1996 the Lansing Lugnuts will set an official National Attendance Record at Oldsmobile Park when the 500,000th person enters the stadium. He asked that Councilmembers set this time aside and plan to attend the game, because there will be special activities in honor of the event and the possibility of national media attention.

He urged everyone to attend the "Project Parent Family Fair" at the Lansing Mall this Saturday. There will be many attractions at this all day event, including a free immunization clinic.

He announced that tonight the Parks and Recreation Department is hosting 141 families at the Lugnuts game. Free passes were provided as part of the Kids Kamps program.

Councilmember Lilly asked Mayor Hollister about his meeting with CATA on the Ground Transportation Center.

Mayor Hollister responded that CATA designated a three member committee and gave them total flexibility with regard to security. This means that the Committee can vote to approve the City's arrangement for the security at the Transportation Center.

Councilmember Allen asked if there would be a dunk tank at the Employees Picnic.

Mayor Hollister answered that there will not be a dunk tank, but there will be Samurai Wrestling.

Councilmember Bauer asked Mayor Hollister to confirm that there will be a Community Policing Sub-station at the Transportation Center. Mayor Hollister responded affirmatively.

Councilmember Leeman asked Mayor Hollister for the deadline for ground breaking for the Transportation Center Project, and was informed

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THAT THE DEADLINE IS SEPTEMBER 24-26, 1996.

CITY OFFICER AND BOARD REPORTS

A. LETTERS FROM THE MAYOR RE:

1/ SALE OF PROPERTY; 500 BLOCK W. GENESEE

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2/ TRASH VIOLATION FEE $2,399.86

RECEIVED AND PLACED ON FILE

3/ LETTERS IN SUPPORT OF THE LANSING POLICE DEPARTMENT NORTH SIDE PRECINCT

RECEIVED AND PLACED ON FILE

4/ LETTERS OF APPRECIATION

RECEIVED AND PLACED ON FILE

5/ RESOLUTION APPROVING SPECIAL EVENT PARKING RATES FOR CAPITAL CITY RIVERFEST

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON WAYS AND MEANS

6/ CONSTRUCTION OF A GUARDRAIL ON THE RAMP ALONG THE I-496/US-127 FREEWAY AND THE LANSING RIVERTRAIL

RECEIVED AND PLACED ON FILE

7/ REQUEST FOR COMMUNITY USE FUNDS FROM THE LIGHT THE CITY COMMITTEE FOR HOLIDAY LIGHTING DOWNTOWN

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

8/ RESPONSE TO TODD MIRELES REGARDING THE COMMUNITY BASED NORTH SIDE POLICE PRECINCT

RECEIVED AND PLACED ON FILE

9/ GRANT APPLICATION: NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #359
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, TO WHOM WAS REFERRED THE LETTER FROM THE MAYOR REQUESTING A $75,000 APPROPRIATION FROM FUND BALANCE TO IMPROVE THE PHYSICAL LAYOUT OF THE JAIL AND TO BETTER MONITOR THOSE IN THE LOCK-UP THROUGH THE USE OF VIDEO CAMERAS,

REPORTS AS FOLLOWS: THE COMMITTEE REVIEWED THIS MATTER WITH THE POLICE CHIEF. THE BOARD OF POLICE COMMISSIONERS FORMULATED THESE RECOMMENDATIONS FOLLOWING THE INVESTIGATION OF MR. SWANS' DEATH WHILE IN CUSTODY. THE COMMITTEE AGREES THAT PROMPT ACTION TO IMPLEMENT THE RECOMMENDATIONS IS NECESSARY, AND THAT THE FUNDS SHOULD BE APPROPRIATED. THIS COMMITTEE RECOMMENDS THAT THE COMMITTEE ON WAYS AND MEANS ACT POSITIVELY ON THE APPROPRIATION AS SOON AS POSSIBLE.

SIGNED: SANDY ALLEN
HAROLD LEEMAN
ELLEN BEAL

BY COUNCILMEMBER ALLEN:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER LILLY ABSENT AND UNEXCUSED FOR THIS VOTE)

RESOLUTIONS

RESOLUTION #360
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS REAPPOINTED CONNIE MARIN TO HER AT-LARGE SEAT ON THE BOARD OF FIRE COMMISSIONERS, FOR A TERM TO EXPIRE JUNE 30, 2000; AND

WHEREAS, THE COMMITTEE ON PUBLIC SAFETY HAS INTERVIEWED THE APPOINTEE AND FOUND HER TO BE WELL QUALIFIED TO SERVE ON THIS BOARD;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE REAPPOINTMENT OF CONNIE MARIN, TO AN AT-LARGE SEAT ON THE BOARD OF FIRE COMMISSIONERS, FOR A TERM TO EXPIRE JUNE 30, 2000.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #361
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF

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THE CITY OF LANSING

THAT THE FOLLOWING FY 96 TRANSFER BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$23,413.28	EST. REV.-STATE & FED. PROG. 273-0-170001-0	TRAINING-ACT 302 60% 273-343212-747000-14310

(BI-ANNUAL DISTRIBUTION OF FUNDS PER P. A. 302 FOR TRAINING OF SWORN LAW ENFORCEMENT OFFICERS. REVENUE DETAIL ACCOUNT 273-0-573010-14310)

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #362
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING FY 97 TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$3,475,000	EST. REVENUE-CSO 593-0-170001-0	
$ 4,570		FRINGE BENEFITS 593-453681-715000-61230
$282,415		DESIGN INELIGIBLE 593-453681-743707-61230
$ 16,009		BOND ISSUE COSTS 593-453681-741855-61230
$ 20,170		PROF. SERV.-TREES 593-453681-743702-61230
$176		MISC. & OPER. 593-453681-741000-61230
$41,735		CAPITALIZED INTEREST 593-453681-973982-61230
$132,800		CONTINGENCY 593-453681-992000-61230
$ 1,000		WAGES-ENGINEERING DIV.593-453681-706018-61231
$ 3,532		SALARIES-ENGINEERING DIV.593-453681-702018-61231
$342,854		RESIDENT ENGINEERING 593-453681-743702-61231
$2,629,739		SEWERS 593-453681-973000-61231

(BUDGET FOR PHASE II, SEGMENT 3, PART 1, OF CSO PROJECT. SRF ELIGIBLE COSTS. PROCEEDS FROM SRF LOAN 5005-07, REVENUE DETAIL ACCOUNT 593-0-695000-61230.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$45,221.36	CSO-LOCAL CONTR.CHG ORDERS 593-453682-	
$3,593.91		SALARIES-ENGINEERING 593-453682-702018-61100
$ 576.31		WAGES-ENGINEERING 593-453682-706018-61100
$1,310.05		FRINGE BENEFITS-ENGINEERING 593-453682-715000-61100
$2,838.30		BOND ISSUE COSTS 593-453682-741855-61100
$33,770.00		DESIGN-INELIGIBLE 593-453682-743700-61100
$3,202.79		RESIDENT ENGINEERING 593-453682-743702-61100

(INITIAL STEP TO CLOSE OUT OF PHASE I, SEGMENT 1 OF PROJECT. ADJUSTMENTS FOR ACTUAL COSTS.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$6,918	FIRE ADMINISTRATION-SALARIES 101-343501-	FIRE AMBULANCE-EQUIPMENT 101-343570-977000-0

(CHANGE ORDER ON AMBULANCE TO UPGRADE CHASSIS. FUNDS AVAILABLE DUE TO VACANT POSITIONS.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$500	ESTIMATED REVENUES-GENERAL FUND 101-0-170001-0	FIRE DEPARTMENT-CONTROL 101-343501-992200-0
$500	FIRE DEPARTMENT-CONTROL 101-343501-992200-0	DONATIONS 101-343501-741880-0

(DONATION FROM ESTATE OF JOSEPH E.C. ALLEN FOR PURCHASE OF STUFFED ANIMALS FOR CHILDREN WHO ARE TRAUMA VICTIMS. REVENUE DETAIL ACCOUNT 101-0-675000-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,000	ESTIMATED REVENUES-GENERAL FUND 101-783833-743000-0	PARKS & RECREATION-CONTROL 101-783860-
$1,000	PARKS & RECREATION-CONTROL 101-783860-	PROFESSIONAL SERVICES 101-783833-743000-0

(DONATION FROM COMERICA BANK FOR THEATER IN THE PARK PROGRAM, DONE IN CONJUNCTION WITH KID'S CAMPS. REVENUE DETAIL ACCOUNT 101-0-675003-0).

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$11,000	COPS MORE Oper. Expenses 273-343251-	COPS MORE- Equipment 273-343251-977000-17646

(Laptop computer grant. Cost for hardware higher than budgeted. Software expenses lower than budgeted.)

BE IT FURTHER RESOLVED that the Administration is authorized to create a position within the Planning Division of the Planning and Neighborhood Development Department to oversee Historic Preservation activities as described in materials submitted during the Councils Budget wrap-up, and

BE IT FINALLY RESOLVED that the Administration is authorized to make appropriate transfers from the City wide vacancy factor account within the General Administration series to the Planning Division to fund this position for the remainder of the current fiscal year, upon completion of the selection process.

By Councilmember Beal

Carried unanimously

RESOLUTION #363
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE LANSING CITY COUNCIL

WHEREAS, Evergreen Cemetery Section J has large lots available for sale around the perimeter of the section consisting of 8 to 20 grave sites in each lot; and

WHEREAS, a lot must be purchased in its entirety and only 2 lots have been sold since 1964; and

WHEREAS, there is a demand for single grave sites and smaller lots, a proposal was approved by the Park Board on July 17, 1996 for reconfiguring the lots into more marketable sizes as recommended by the Cemetery Study; and

WHEREAS, the reconfigured outside lots in Section J at Evergreen Cemetery would allow 699 single flush marker grave sites at $500 each, 97 two grave site monument lots at $1,400 per lot, and 17 three grave site monument lots to be sold at $2,100 per lot; and

WHEREAS, the recommended prices are comparable to lots available in the surrounding area;

NOW, THEREFORE, BE IT RESOLVED the Council approves the reconfiguration and price scale of the outside lots in Section J at Evergreen Cemetery.

By Councilmember Beal

Carried unanimously

RESOLUTION #364
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the FY97 Adopted Budget for the City of Lansing, inclusive of carry forward amounts, includes an allocation of at least $75,839 for purchase of hardware and software for continued computerization of Lansing Fire Department operations; and

WHEREAS the existing distribution of funds for these purposes was based on initial estimates for two small networks; software for automation of the Michigan Fire Incident Reports, and a Geographical Information System specifically designed for Emergency Operations; and

WHEREAS, the Fire Chief wishes to pursue larger network with more software applications for the Department as a whole; and

WHEREAS, it is believed that such a system can be purchased within the amount available in the current year budget, but that the ultimate distribution of costs between equipment, software, miscellaneous expenses, and training will most likely be different than the current allocations; and

WHEREAS, the amount in question is in excess of the Charter limitations for Executive Transfer authority;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves a Change of Intent to allow the Fire Department to proceed with a project resulting in a Departmental-wide network with multiple administrative software applications, including Incident Reports, and

FURTHER, that the Administration is given administrative transfer authority to adjust existing allocations for computerization based on the final approved bid, within the total of $75,839, to include purchase Of software, equipment, installation or other related miscellaneous expenses, and training, according to Governmental Accounting Standards and as directed by the Deputy Controller of the City of Lansing; and

BE IT FINALLY RESOLVED, that any costs in excess of the above total and in excess of Executive

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Transfer Authority will be referred back to City Council for their additional approval, until such time as a new Administrative Transfer Policy has been structured and approved by City Council.

By Councilmember Beal

Carried unanimously

RESOLUTION #365
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated funds in the Community Promotions Account for the purpose of assisting with the expenses of community-oriented events; and

WHEREAS, the Committee on Ways & Means has reviewed a request for payment of such expenses from Immaculate Heart of Mary/St. Casimir School, for City park reservation expenses in conjunction with the school's Welcome to Middle School Picnic on August 18, 1996, at Moores Park; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby agrees to co-sponsor the IHM/St. Casimir Welcome to Middle School Picnic, and authorizes a charge of $50.00 to account #101-173901-741200-0 to cover the expenses of the above described event; and

AND BE IT FURTHER RESOLVED this payment shall be made by means of an interdepartmental voucher to be generated by the Parks and Recreation Department.

By Councilmember Beal

To amend the resolutions approving Community use Appropriations by correcting the account number that the funds are to be charged to, to: 101-112101-741289-0, and to place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #366
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated funds in a Community Use account to permit payment of certain costs for use of the Lansing Center by community organizations; and

WHEREAS, the Committee on Ways & Means has reviewed a request from the Mayor's Office, on behalf of the Coalition for Church and Community, for payment of such costs for a Fire Burning Relief Rally, to be held August 10, 1996; and

WHEREAS, the Committee has recommended that half of the allowable event costs be charged to the Community Use account, and that the other half be charged to the Human Relations Discretionary Funds account, and that the Mayor's request to have the City co-sponsor this event be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a charge to account #101-173901-741200-0 for half of the Lansing Center costs of the Fire Burning Relief Rally, with the other half to be charged to the Human Relations Discretionary Funds account, and that the City shall be a cosponsor of this August 10, 1996, event.

By Councilmember Beal

Carried unanimously

RESOLUTION 367
BY THE COMMITTEE OF WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing desires to encourage and support shopping and commercial activity in the Principal Shopping District area by public improvement to develop, redevelop, promote economic activity and provide for the maintenance, security and operation of the Principal Shopping District by such public improvement which especially benefits any property within a district; and

WHEREAS, the City of Lansing desires to encourage promotional efforts, business recruitment in all zones and physical improvements and maintenance services (in zone A) of the Principal Shopping District; and

WHEREAS, the City of Lansing has determined that this should be provided through special assessment zones established for the purpose of financing Principal Shopping District activities, and

WHEREAS, the City of Lansing has determined that the cost of providing such services should be recovered by a special assessment against properties especially benefited as authorized by Act No. 120 of the Public Acts of 1961, as amended, and Chapters 812 and 1026 of the Lansing Code of Ordinances; and

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WHEREAS, the City of Lansing has reviewed the proposed special assessment boundaries; and

WHEREAS, the City of Lansing has also reviewed the proposed services within the boundaries with an estimated cost of these services;

NOW THEREFORE BE IT RESOLVED, that the special assessment zones for the Principal Shopping District are established by City Council as follows:

Principal Shopping District: Beginning at the intersection of West right-of-way line of S. Capitol Avenue and the North right-of-way line of W. St. Joseph Street, "Point of Beginning", North along S. Capitol Avenue right-of-way line to the Center-line of W. Allegan Street, Then East along the W. Allegan Center-line to the Center-line of S. Capitol Avenue, North along the S. Capitol Avenue Centerline to the Center-line of W. Saginaw Street, East along the W. Saginaw Street Center-line to the West right-of-way line of N. Washington Avenue, North along the N. Washington Avenue right-of-way line to the North right-of-way line of W. Grand River Avenue, East along the W. Grand River Avenue right-of-way line to the West right-of-way line of Turner Street, North along the Turner Street right-of-way line to the North right-of-way line of Clinton Street, East along the Clinton Street right-of-way to the East right-of-way line of Center Street, South along the Center Street right-of-way line to the North right-of-way line of Liberty Street, East along the Liberty Street right-of-way line to the Center-line of N. Cedar Street, South along the N. Cedar Street Center-line to the South right-of-way line of E. Grand River Avenue, East along the E. Grand River Avenue right-of-way line to the West right-of-way line of N. Larch Street, South along the N. Larch Street right-of-way line to the Center-line of E. Shiawassee Street, East along the E. Shiawassee Street Center-line to the West right-of-way line of the Conrail right-of-way, South along the Conrail right-of-way line to the South right-of-way of E. Michigan Avenue, West along the E. Michigan Avenue right-of-way to the East right-of-way line of S. Larch Street, South along the S. Larch Street right-of-way line to the Center-line of E. Kalamazoo Street, then West along E. Kalamazoo Street Center-line to the Center-line of S. Larch Street, then South Along the S. Larch Street Center-line to the North right-of-way line of St. Joseph Street (extended), West along the St. Joseph Street right-of-way line (extended) to the Point of Beginning.

The Principal Shopping District, as described herein, shall contain zones as described below:

Zone A: Beginning at the intersection of the Center-line of N. Capitol Avenue and the Center-line of W. Shiawassee Street, the 'Point of Beginning-A", East along the center-line of Shiawassee Street to the West right-of-way line of the Conrail right-of-way, South along the Contrail right-of-way line to the Center-line of E. Michigan Avenue, West along the Center-line of E. Michigan Avenue to the Center-line of S. Cedar Street, South along the S. Cedar Street Center-line to the Center-line of E. Kalamazoo Street, West along the E. Kalamazoo Street Center-line, crossing the Grand River continuing at the Center-line of W. Kalamazoo Street to the Center-line of Grand Avenue, South along the Grand Avenue Center-line to the Center-line of W. Lenawee Street, West along the W. Lenawee Street Center-line to the West right-of-way line of S. Capitol Avenue, North along the West right-of-way line of S. Capitol to the Center-line of W. Allegan Street, then East along the W. Allegan Street Center-line to the Center-line of S. Capitol Avenue, North along the S. Capitol Avenue Center-line to the Point of Beginning-A.

Zone B: Beginning at the intersection of West right-of-way line of N. Washington Avenue and the North right-of-way line of W. Grand River Avenue, the "Point of Beginning-B", East along the W. Grand River Avenue right-of-way line to the West right-of-way line of Turner Street, North along the Turner Street right-of-way line to the North right-of-way line of Clinton Street, East along the Clinton Street right-of-way line to the East right-of-way line of Center Street, South along the Center Street right-of-way line to the North right-of-way line of Liberty Street, East along the Liberty Street right-of-way line to the Center-line of N. Cedar Street, South along the N. Cedar Street Center-line to the Center-line of E. Maple Street, West along the E. Maple Street Center-line (as aligned) to the West right-of-way line of N. Washington Avenue, North along the N. Washington right-of-way line to the Point of Beginning-B.

Zone C - North: Beginning at the intersection of the Center-line of N. Capitol Avenue and the Centerline of W. Shiawassee Street, the "Point of Beginning-C(north)", North along the N. Capitol Avenue Center-line to the Center-line of W. Saginaw Street, East along the W. Saginaw Street Center-line to West right-of-way line of N. Washington Avenue, North along the N. Washington Avenue right-of-way line to the Center-line of E. Maple Street, East along the E. Maple Street (as aligned) Center-line to the Centerline of N. Cedar Street. North along the N. Cedar Street Center-line to the South right-of-way line of E. Grand River Avenue, East along the E. Grand River Avenue right-of-way line to the West right-of-way line of N. Larch Street, South along the N. Larch Street right-of-way

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LINE TO THE CENTER-LINE OF E. SHIAWASSEE STREET, WEST ALONG THE E. SHIAWASSEE STREET CENTER-LINE TO THE POINT OF BEGINNING-C (NORTH).

ZONE C - SOUTH: BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF S. CAPITOL AVENUE TO THE CENTER-LINE OF W. LENAWEE STREET, THE "POINT OF BEGINNING-C (SOUTH) EAST ALONG THE W. LENAWEE STREET CENTER-LINE TO THE CENTER-LINE OF GRAND AVENUE, NORTH ALONG THE GRAND AVENUE CENTER-LINE TO THE CENTERLINE OF W. KALAMAZOO STREET, EAST ALONG THE KALAMAZOO STREET CENTER-LINE TO THE CENTER-LINE OF S. CEDAR STREET, NORTH ALONG THE CEDAR STREET CENTER-LINE TO THE CENTER-LINE OF E. MICHIGAN AVENUE, EAST ALONG THE E. MICHIGAN AVENUE CENTER-LINE TO THE WEST RIGHT-OF-WAY LINE OF THE CONRAIL RIGHT-OF-WAY, SOUTH ALONG THE CONRAIL RIGHT-OF-WAY LINE TO THE SOUTH RIGHT-OF-WAY LINE OF E. MICHIGAN AVENUE, THEN WEST ALONG THE E. MICHIGAN AVENUE RIGHT-OF-WAY LINE TO THE EAST RIGHT-OF-WAY LINE OF S. LARCH STREET, SOUTH ALONG THE S. LARCH STREET RIGHT-OF-WAY LINE TO THE CENTER-LINE OF E. KALAMAZOO STREET, WEST ALONG THE E. KALAMAZOO CENTER-LINE TO THE CENTER-LINE OF S. LARCH STREET, SOUTH ALONG THE S. LARCH STREET CENTER-LINE TO THE NORTH RIGHT-OF-WAY LINE OF ST. JOSEPH STREET (EXTENDED), WEST ALONG THE ST. JOSEPH STREET RIGHT-OF-WAY LINE (EXTENDED) TO THE WEST RIGHT-OF-WAY LINE OF S. CAPITOL AVENUE, THEN NORTH ALONG THE S. CAPITOL AVENUE RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING-C (SOUTH).

BE IT FURTHER RESOLVED, THAT THE PRINCIPAL SHOPPING DISTRICT PUBLIC IMPROVEMENTS AND SERVICES BE SUPPORTED BY A SPECIAL ASSESSMENT OF THESE COST AGAINST THE PROPERTIES ESPECIALLY BENEFITED AS FOLLOWS:

ZONE A - ELEVEN CENTS PER SQUARE FOOT FOR FIRST FLOOR AND FIVE CENTS PER SQUARE FOOT FOR SECOND FLOORS AND ABOVE, PARKING STRUCTURES AT THE RATE OF FOUR CENTS PER SQUARE FOOT FOR THE MAIN FLOORS AND 2 CENTS PER SQUARE FOOT FOR SECOND FLOORS AND ABOVE, PARKING LOTS AT FOUR CENTS PER SQUARE FOOT, VACANT LAND AT ONE CENT PER SQUARE FOOT, AND INDUSTRIAL & MANUFACTURING PROPERTIES AT TWO CENTS PER SQUARE FOOT FOR THE FIRST FLOOR AND 1 CENT PER SQUARE FOOT FOR SECOND FLOORS AND ABOVE; FOR A TOTAL OF $339,606.30.

ZONE B - EIGHT CENTS PER SQUARE FOOT FOR FIRST FLOOR AND THREE CENTS PER SQUARE FOOT FOR SECOND FLOOR AND ABOVE, PARKING STRUCTURES AT THE RATE OF FOUR CENTS PER SQUARE FOOT FOR THE MAIN FLOORS AND 2 CENTS PER SQUARE FOOT FOR SECOND FLOORS AND ABOVE, PARKING LOTS AT FOUR CENTS PER SQUARE FOOT, VACANT LAND AT ONE CENT PER SQUARE FOOT, AND INDUSTRIAL & MANUFACTURING PROPERTIES AT TWO CENTS PER SQUARE FOOT FOR THE FIRST FLOOR AND 1 CENT PER SQUARE FOOT FOR SECOND FLOORS AND ABOVE; FOR A TOTAL OF $19,372.87.

ZONE C (1 NORTH & 2 SOUTH) - TWO CENTS PER SQUARE FOOT FOR FIRST FLOOR AND ONE CENT PER SQUARE FOOT FOR SECOND FLOORS AND ABOVE, PARKING STRUCTURES AT THE RATE OF TWO CENTS PER SQUARE FOOT FOR THE MAIN FLOORS AND ONE CENT PER SQUARE FOOT FOR SECOND FLOORS AND ABOVE, PARKING LOTS AT TWO CENTS PER SQUARE FOOT, VACANT LAND AT ONE CENT PER SQUARE FOOT, AND INDUSTRIAL & MANUFACTURING PROPERTIES AT TWO CENTS PER SQUARE FOOT FOR THE FIRST FLOOR AND 1 CENT PER SQUARE FOOT FOR SECOND FLOORS AND ABOVE; FOR TOTAL OF $31,093.41.

BE IT FURTHER RESOLVED, THAT THE COST AND EXPENSE OF MAKING ESTIMATES, PLANS AND ASSESSMENTS INCIDENTAL TO THE PREPARATION OF THE ASSESSMENT AND THE ROLE AND PROVIDING NOTICES SHALL BE INCLUDED IN THE EXPENSE OF THE ASSESSMENT.

BE IT FURTHER RESOLVED, THAT THE PRINCIPAL SHOPPING DISTRICT PUBLIC IMPROVEMENT AND SERVICES BE FINANCED BY A SPECIAL ASSESSMENT OF THESE COSTS AGAINST THE PROPERTIES ESPECIALLY BENEFITED AS CONTAINED IN THE ASSESSMENT ROLL NO. PSD 96 -A /PSD 96 -B/ PSD 96 -C, COMPLIED BY THE CITY ASSESSOR AND PRESENTED TO COUNCIL WITH THIS RESOLUTION.

BE IT FURTHER RESOLVED, THAT IN ZONES "A", "B" AND "C", ALL PROPERTY OWNERS WHOSE ASSESSMENT WOULD OTHERWISE EXCEED $ 10.000.00 PER ONE PARCEL, SHALL BE CAPPED AT NO MORE THAN $10,000.00 PER ONE PARCEL ON AN ANNUAL BASIS.

BE IT FURTHER RESOLVED, THAT IN ZONES "A" "B" AND "C", DESIGNATED PARK LAND SHALL BE EXEMPT FROM ASSESSMENT.

BE IT FURTHER RESOLVED, THAT IN ZONES "A", "B" AND "C", ANY PROPERTY OWNED BY A NON-PROFIT ENTITY WHICH HAS RECEIVED A FEDERAL IRS SECTION 501 *(C)* (3) NON-PROFIT DESIGNATION SHALL HAVE THEIR PROPERTY ASSESSMENT CAPPED AT 40% OF THE PROPOSED ASSESSMENT RATE; PROVIDED THAT SAID ENTITY SHALL FILE WITH THE CITY ASSESSOR, NOT LATER THAN OCTOBER 15, 1996, A WRITTEN APPLICATION FOR NON-PROFIT PRINCIPAL SHOPPING DISTRICT DESIGNATION, TOGETHER WITH A COPY OF SAID DETERMINATION OF IRS SECTION 501 *(C)* (3) STATUS.

BE IT FURTHER RESOLVED, THAT A PUBLIC HEARING BE HELD AUGUST 26, 1996, AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, 10TH FLOOR CITY HALL, LANSING, MICHIGAN TO CONSIDER THE ESTABLISHMENT OF THE PRINCIPAL SHOPPING DISTRICT SPECIAL ASSESSMENT ROLE.

BE IT FURTHER RESOLVED, THAT THE CITY CLERK PUBLISH NOTICE OF THE HEARING TO CONFIRM THE

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special assessment roll in a newspaper of general circulation at least ten (10) days prior to the date of the hearing.

BE IT FINALLY RESOLVED, that notice to the affected owners of the properties in said district be given in accordance with Chapter 1026 of the Lansing Code of Ordinances.

By Councilmember Beal

Carried unanimously

RESOLUTION #368
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
PUBLIC IMPROVEMENT III

WHEREAS, pursuant to the resolution adopted by this Council on February 5, 1996, the City Assessor has completed the assessment roll for sidewalks and furnished the following information:

PROJECT TITLE: 1996 Downtown Sidewalk Repair Contract P.S. #36275

PROPERTIES BENEFITTED: The area bounded by Grand Avenue, Lenawee Street, Capitol Avenue and Shiawassee Street. Excepting all public streets and alleys and other land deemed not benefitted.

COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. B-58	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
SIDEWALK REPAIR	$105,198.80	$16,318.48
TOTAL COSTS	$105,198.80	$16,318.48

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on Monday, August 26, 1996, at 7:00 PM, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FURTHER RESOLVED that the City Clerk and the Public Service Director are hereby requested to give due notice of this public hearing as provided by Chapter 1020, Section 1026.06(c)(1), of the Code of ordinances by publishing a notice of a public hearing in a daily newspaper of the City, not more than twenty days and not less than ten days before such public hearing. Said notice shall include the time and place of the hearing; a description of the section or area of the City determined by Council to be within the assessment district as contained in the special assessment roll; where the special assessment roll is on file and may be examined; that any person aggrieved by the assessments as contained in the special assessment roll, or the necessity of the improvement, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative; that the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal; and that any appeal to the Michigan Tax Tribunal must be taken within thirty days of the confirmation of the special assessment roll, provided a protest was timely made.

BE IT FINALLY RESOLVED, that pursuant to the requirement of 1962 PA 162, as amended" MCL 211.741, et seq.; MSA 5.3534(L), et seq., appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the State Tax Tribunal. An owner or party in interest, or his or her agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required.

I hereby certify that funds are available for the City of Lansing's share of said project in accounts #410-933690-974200-13026.

Charles S. Remenar,
Deputy Controller

By Councilmember Beal

Carried unanimously

RESOLUTION #369
BY THE COMMITTEE ON PHYSICAL DEVELOPMENT
RESOLUTION NO.
PUBLIC IMPROVEMENT V

RESOLVED, by the City Council of the City of Lansing: That the supplementary Special Assessment Roll B55, Public Service # 45041, known as the 1994 Sidewalk Repair. Whereas it is a matter of public necessity to repair sidewalk in front of and adjacent to, the properties described below:

PROPERTY BENEFITTED: An area bounded by Mount Hope Avenue, Boston Boulevard, Moores River Drive, and Park Avenue, the West side of Boston Boulevard between Gordon Avenue and Pingree Street, sections

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of WELLINGTON ROAD between GORDON AVENUE and LORAINE AVENUE, and sections of SHEFFIELD BOULEVARD between WAVERLY ROAD and SEAWAY DRIVE excepting all public streets and alleys and other land deemed not benefitted.

ROLL B55	ESTIMATED COST	ACTUAL COST	DIFFERENCE
SIDEWALK REPAIRS	$31,507.51	$28,807.53	($2,699.98)

as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to refund to all persons who have paid said tax as originally assessed the pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll 90 days after approval.

By Councilmember Beal

Carried unanimously

RESOLUTION #370
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated funds in the Community Promotions Account for the purpose of assisting with the expenses of community-oriented events; and

WHEREAS, the Committee on Ways & Means has reviewed a request for payment of such expenses from Merry Jo Kerekes of Laingsburg, who coaches and manages the Wildcats baseball team of city youth up to age 14, for Gier Park ballfield expenses in conjunction with the 4th Annual Wildcat Baseball tournament during August 23-25, 1996; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby agrees to co-sponsor the 4th Annual Wildcat Baseball tournament, and authorizes a charge of $1,046.50 to account #101-173901-741200-0 to cover the expenses of the above-described event; and

AND BE IT FURTHER RESOLVED this payment shall be made by means of an interdepartmental voucher to be generated by the Parks and Recreation Department.

By Councilmember Beal

To amend the resolution approving Community Use Appropriations by correcting the account number that the funds are to be charged to, to: 101-173901-741289-0, and to place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #371
BY THE WAYS AND MEANS COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing and two (2) Lansing police officers are named as defendants in the lawsuit entitled Anthony Haddad v City of Lansing, et al, Ingham County Circuit Court File No. 95-80825-CZ, involving alleged constitutional deprivations; and

WHEREAS, it is proposed that said lawsuit be resolved by virtue of entering into a settlement agreement in which the City would agree to pay the sum of $30,000.00 in exchange for dismissal of the lawsuit; and that no judgment would enter against the defendants nor would there be any admission of liability; and

WHEREAS, the proposed settlement is recommended by the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $30,000.00 pursuant to said proposed settlement agreement as a full and final settlement of said lawsuit.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Beal

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMEND ORDINANCE #354
CABLE TELEVISION FRANCHISE

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amend Ordinance #354, for the purpose of Changing the Name of the Parent Company of the Grantee of the Cable Television Franchise Granted by the City of Lansing from Continental Cablevision, Inc. to U.S. West, Inc. because of the merger of these companies, was introduced by

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Councilmember Benavides and referred to the Committee on General Services.

RESOLUTION #372
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, August 26, 1996 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amend Ordinance #354 for the purpose of Changing the Name of the Parent Company of the Grantee of the Cable Television Franchise Granted by the City of Lansing from Continental Cablevision, Inc. to U.S. West, Inc. because of the merger of these companies

Interested persons are invited to attend this public hearing

RESOLUTION #373
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
Act-10-94 Sale of Parking Lot #14, NE Corner of Saginaw and Westmoreland

WHEREAS, St. Lawrence Hospital has offered to purchase the City of Lansing's Parking Lot #14, on the northeast corner of Saginaw and Westmoreland Streets; and

WHEREAS, the Planning Board conducted an ACT 285 Review (ACT-10-94) for character, location and extent of the subject parcel, and found that the sale of Parking Lot #14 would be in the public interest, provided that the parking needs of the area businesses are met, that the lot retains its landscaping, and that St. Lawrence apply to rezone the property to "DM-4" Residential District, which would allow the private hospital use of the parking lot; and

WHEREAS, on October 18, 1994, the Planning Board recommended approval of the request to make the property available for sale at fair market value, with conditions; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith; and

WHEREAS, the conditions specified in the Planning Board recommendation have been satisfied;

NOW, THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the sale of Parking Lot #14, more particularly described as:

Lots 142 and 143 of Oakdale Addition to the City of Lansing, City of Lansing, Ingham County, Michigan as recorded in Liber 3 of Plats, Page 37, Ingham County Records,

to St. Lawrence Hospital, for the sum of thirty two thousand dollars ($32,000.00).

BE IT FURTHER RESOLVED, the Mayor, on behalf of the City, is authorized to execute all documents necessary to effectuate the aforestated transaction, subject to the prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

August 5, 1996

By Councilmember Lilly

To reconsider resolution #349, adopted on August 5, 1996

Carried unanimously

By Councilmember Lilly

To ratify Resolution #349 adopted on August 5, 1996 by placing an affirmative roll on the resolution.

Carried unanimously

August 12, 1996

RESOLUTION #374
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, in 1995, the State of Michigan abolished the Michigan Equity Program, which provided $278,000 in annual funding for arts and cultural projects in the City of Lansing; and

WHEREAS, in 1995, the State of Michigan established the Arts and Cultural Projects for Cities, Townships and Villages . (ACP/CTV) program, a statewide competitive matching grant program to provide funds for such projects; and

WHEREAS, in December 21, 1995, the Mayor invited all past participants of the Michigan Equity Program to submit projects to the City for its FY 1996 ACP/CTV application; and

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WHEREAS, ON JANUARY 11, 1996, THE CITY SUBMITTED AN APPLICATION FOR FY96 ACP/CTV FUNDS ON BEHALF OF ELEVEN (11) PROJECTS TOTALING $148,060.00; AND

WHEREAS, EACH ORGANIZATION SUBMITTING A PROJECT PROVIDED ITS OWN MATCHING FUNDS, AND NO ADDITIONAL OUTLAY OF CITY OF LANSING FUNDS WILL BE REQUIRED; AND

WHEREAS, THE STATE APPROVED FUNDING FOR THREE (3) OF THESE PROJECTS, TOTALING $22,600.00; AND

WHEREAS, THE CITY HAS NOW RECEIVED A CONTRACT FOR ARTS SERVICES FOR FY96 FROM THE STATE; AND

WHEREAS, THIS CONTRACT HAS BEEN REVIEWED AND APPROVED BY THE COMMITTEE ON WAYS AND MEANS;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE FY96 CONTRACT FOR ARTS SERVICES FOR $22,600 IN ARTS AND CULTURAL PROJECTS FOR CITIES, TOWNSHIPS AND VILLAGES PROGRAM FUNDS FOR THE FOLLOWING PROJECTS:

MICHIGAN WOMEN'S HALL OF FAME	
COOLEY HOUSE REPAINTING & EXHIBITS	$4,600
R.E. OLDS MUSEUM	
GIFT SHOP RENOVATIONS	$13,800
BLACK CHILD AND FAMILY INSTITUTE	
SOUL FEST	$4,200
TOTAL	$22,600

BE IT FINALLY RESOLVED, THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THIS CONTRACT FOR ARTS SERVICES ON BEHALF OF THE CITY, AND TO ESTABLISH THE APPROPRIATE EXPENDITURE ACCOUNTS FOR THIS GRANT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

AUGUST 5, 1996

BY COUNCILMEMBER BEAL

TO RECONSIDER RESOLUTION #353 ADOPTED ON AUGUST 5, 1996

CARRIED UNANIMOUSLY

BY COUNCILMEMBER BEAL

TO RATIFY RESOLUTION #353 ADOPTED ON AUGUST 5, 1996 BY PLACING AN AFFIRMATIVE ROLL ON THE RESOLUTION.

CARRIED UNANIMOUSLY

AUGUST 12, 1996

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER LILLY; A REQUEST TO SUSPEND THE RULES TO ALLOW FOR THE RECONSIDERATION OF RESOLUTION #349 APPROVED ON AUGUST 5, 1996 FOR THE PURPOSE OF PLACING AN AFFIRMATIVE ROLL ON THE RESOLUTION TO RATIFY THE ACTION TAKEN BY THE COUNCIL AT THAT MEETING

HANDLED AS RESOLUTION # 373

2. FROM COUNCILMEMBER BEAL; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE RECONSIDERATION OF RESOLUTION #353 APPROVED ON AUGUST 5, 1996 FOR THE PURPOSE OF PLACING AN AFFIRMATIVE ROLL ON THE RESOLUTION TO RATIFY THE ACTION TAKEN BY THE COUNCIL AT THAT MEETING

HANDLED AS RESOLUTION #374

3. FROM COUNCILMEMBER LEEMAN; A SUBSTITUTE RESOLUTION FOR ITEM XII C-8 FROM THE COMMITTEE ON WAYS AND MEANS

HANDLED AS RESOLUTION 368

4. FROM COUNCILMEMBER LILLY; A REQUEST THAT THE TWO RESOLUTIONS APPROVING APPOINTMENTS TO THE HISTORIC DISTRICT COMMISSION BE PULLED FROM THE AGENDA

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER LILLY

5. FROM COUNCIL PRESIDENT JONES; A REQUEST THAT SPECIAL CEREMONY V A. BE PULLED AT THE DIRECTION OF MAYOR HOLLISTER

PULLED FROM THE AGENDA AT THE REQUEST OF MAYOR HOLLISTER

PUBLIC COMMENTS

LLOYD TEETS OF 116 E. ELM ST. SPOKE REGARDING AN ARTICLE IN THE STATE JOURNAL ABOUT CHARGES BEING FILED AGAINST OFFICIALS IN THE FIRE DEPARTMENT.

KELLY THOMPSON OF DOWNTOWN LANSING AT 201 N. WASHINGTON SQUARE SAID THAT THE PRINCIPAL SHOPPING DISTRICT ORDINANCE IS A RE-WRITE OF THE DOWNTOWN MALL AND ENVIRONS ORDINANCE. THE LANSING CENTER AND OLDSMOBILE PARK WILL BE PART OF THE DISTRICT, BUT WILL NOT BE SUBJECT TO THE PERMIT REQUIREMENTS THAT OTHER BUSINESSES WILL.

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COUNCILMEMBERS COMMENTS

Councilmember Beal congratulated Tina and Joe Gallente on the birth of their baby boy Antonio Joseph Harry Gallente. She announced that there will be no Ways and Means Committee Meeting this week.

Councilmember Allen announced a community meeting at the South Side Police Precinct tomorrow night for the purpose of discussing the proposed rezoning on Cedar and Syringa St. She urged interested parties to attend. She announced that the Public Safety Committee is still working on the bicycle helmet ordinance, it should be reported out of committee soon. They will discuss the request for installation of a multi-way stop sign at Berry and Tenny at their next meeting.

Councilmember Leeman announced that J&J Sounds will be at Frances Park for the Employees Picnic this Wednesday.

Council President Jones reported writing a letter to Continental Cablevision stating his displeasure with the delay in their rebuild that is going on throughout the City.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Johnson had no comments at this time.

ADJOURNED 8:00 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS AUGUST 19, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Bauer, Beal, Benavides, Jones, Leeman, Lilly,

ABSENT: Councilmember Allen (arrived 7:05 P.M.)

The Invocation was observed as a moment of silence in memory of Dorothy Ohl. Council President Jones sent the condolences of City Council to Emerson Ohl and the Ohl Family. The Pledge of Allegiance was led by Council President Jones

APPROVAL OF MINUTES

By Councilmember Benavides

To approve the printed Council Proceedings of August 5, and August 12, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a letter from Mayor Hollister regarding the proposed expansion of Oldsmobile Park

PUBLIC COMMENT

Fred Stackable of 301 N. Grand spoke in opposition to the Principal Shopping District Ordinance adoption. He was told that he would be informed when this ordinance came up for adoption and that he would be given an opportunity to speak at the committee level. He did not receive notification, and the ordinance was adopted without his knowledge. This ordinance was developed in an effort to increase merchants and retail outlets in the downtown area. However, you cannot charge the current merchants more money without them passing their cost on to the customer. This combined with increased parking rates discourages people from shopping downtown. Why should they pay more to come downtown to shop than they pay to go to the mall?

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from the National League of Cities regarding Voting and Alternate Voting Delegates for their Annual Congress of Cities December 7-10, 1996 in San Antonio, TX

REFERRED TO THE MAYOR AND THE COMMITTEE OF THE WHOLE

B. Michigan Tax Tribunal Appeal filed by Aco Hardware

REFERRED TO THE CITY ATTORNEY

C. Petition containing 287 signatures of residents of the Maplewood Elementary School area supporting the rebuilding of the Skywalk over S. Cedar St. at Maplewood School

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SAFETY

D. Letter from North Fairview/Jerome Neighborhood Watch #260 in support of the North Side Police Precinct/NeighborhoodNetwork Center

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON WAYS AND MEANS

E. SLU-07-96, 3700 S. Waverly Ave., Petition for Special Land Use to allow for use as a Church Office and Meeting Space

REFERRED TO THE MAYOR AND THE PLANNING BOARD

F. Letter from Frederick L. Stackable regarding the Principal Shopping District

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Councilmember Allen asked Mayoral Executive Assistant Wiener if there were any new developments on the South Side Precinct Net Work center. There appears to be some erosion

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IN THE ACTIVITIES WITH THE LANSING SCHOOL DISTRICT.

MR. WIENER RESPONDED THAT THE SCHOOL DISTRICT IS IN A TRANSITIONAL STAGE. THE PERSON THAT REPRESENTED THE SCHOOL DISTRICT AT THE NETWORK CENTER HAS BEEN REASSIGNED AS A RESULT OF CHANGES TAKING PLACE WITHIN THE SCHOOL DISTRICT ITSELF, HOWEVER, THEY ARE CONTINUING TO WORK WITH THE CITY IN THE DEVELOPMENT AND OPERATION OF THE NETWORK CENTERS ON THE EAST SIDE, SOUTH SIDE, AND THE NORTH SIDE.

CITY OFFICER AND BOARD REPORTS

A. LETTERS FROM CITY CLERK SUBMITTING ROUTINE APPLICATIONS FOR CONSIDERATION OF LICENSES AND BONDS:

1. REFERRALS:

FIREWORKS DISPLAY SEPTEMBER 2, 1996 RIVERFRONT PARK

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. INFORMATION-ONLY ITEMS FROM THE CITY CLERK:

1. LETTER FROM THE CITY CLERK NOTIFYING COUNCILMEMBERS OF THE RECEIPT OF MINUTES FROM CITY BOARD AND AUTHORITIES

RECEIVED AND PLACED ON FILE

C. LETTER FROM THE CITY CLERK/SECRETARY TO THE BOARD OF ETHICS, REQUESTING APPOINTMENTS TO VACANT BOARD POSITIONS

REFERRED TO THE COMMITTEE OF THE WHOLE

D. LETTER FROM THE ECONOMIC DEVELOPMENT CORPORATION MANAGER SUBMITTING AN AMENDED APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FILED BY CAMERON TOOL CORPORATION

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

E. LETTERS FROM THE MAYOR RE:

1/ RENOVATION OF THE PRUDDEN BUILDING

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON WAYS AND MEANS

2/ GROESBECK GOLF COURSE CONTRACT OF LEASE BETWEEN THE CITY OF LANSING AND THE LANSING BUILDING AUTHORITY

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING AND THE OMMITTEE ON WAYS AND MEANS

3/ Z-09-96, 200-202 E. GRAND RIVER AVE.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ GRANT ACCEPTANCE: CAPITAL CITY RIVERFEST

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ TRANSFER OF FUNDS: PLANNING AND NEIGHBORHOOD DEVELOPMENT

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ APPOINTMENT OF J. JOSEPH GARCIA TO THE BOARD OF ZONING APPEALS FOR A TERM TO EXPIRE JUNE 30, 1999

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7/ LETTERS OF APPRECIATION

RECEIVED AND PLACED ON FILE

8/ TRANSFER OF FUNDS: NYPPP

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9/ UPDATE ON WENTWORTH PARK STEAM CLOCK

RECEIVED AND PLACED ON FILE

10/ LETTER IN SUPPORT OF THE NORTH SIDE POLICE PRECINCT

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

RESOLUTION #375

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE LANDMARK TURNER HOUSE, LOCATED ON WHAT IS NOW THE CENTER OF LANSING COMMUNITY COLLEGE'S DOWNTOWN CAMPUS, WAS BUILT IN 1927 TO THE SPECIFICATIONS OF SOPHIE SCOTT TURNER, A MEMBER OF ONE OF LANSING'S PIONEER FAMILIES; AND

WHEREAS, MRS. TURNER LIVED IN THE COLONIAL REVIVAL HOUSE UNTIL HER DEATH IN 1941, AND THE MICHIGAN HISTORICAL MUSEUM WAS HOUSED IN THE BUILDING FROM 1943 TO 1979; AND

WHEREAS, LANSING COMMUNITY COLLEGE BOUGHT THE PROPERTY IN 1980 FOR $132,000 AND ADDED $35,000 IN RENOVATIONS, AND IS NOW USED TO HOUSE THE PRODUCTION OFFICES OF THE PERFORMING ARTS DEPARTMENT, AS WELL AS BEING THE VENUE FOR THE TURNER HOUSE FESTIVAL, A SERIES OF FREE PLAYS AND CONCERTS PRESENTED EACH SUMMER ON THE AMPHITHEATER BELOW THE HOUSE; AND

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WHEREAS, on Tuesday, August 20, 1996, the Turner House will be formally recognized as an historical site, adding to the list of downtown locations that are direct links to Lansing's past;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 19th day of August, 1996, hereby commends and congratulates the Board of Trustees and Administration of Lansing Community College, led by President Abel B. Sykes, Jr., for their efforts to preserve the Turner House and keep it in daily use, providing a graphic reminder of years gone by in the downtown of our Capital City; and

BE IT FURTHER RESOLVED the Council President is authorized to attend the historical marker dedication on August 20th and present this resolution of tribute.

By Councilmember Beal

Carried unanimously

RESOLUTION #376
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Public Service Department has requested permission to utilize the legal services of Howard and Howard, P. C. related to environmental clean-up of certain projects eligible for funding from Environmental Fund Accounts; and

WHEREAS, the City Attorney recommends the use of the law firm of Howard and Howard for such purposes;

NOW, THEREFORE, BE IT RESOLVED, that the law firm of Howard and Howard, P. C. may be utilized by the Public Service Department for environmental projects related to the Environmental Bond Fund accounts.

By Councilmember Beal

Carried unanimously

RESOLUTION #377
BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT the request from the Parks Department for authorization to expend $7,220 out of the Park Millage Miller Road Youth Activity Account to provide an End of Summer Bash at Hill Center, beginning at 9:00 PM on August 23, 1996, and ending at 7:00 AM the next morning, is hereby approved; and

BE IT FURTHER RESOLVED the event shall be limited to 250 participants on a first come, first served basis, and no admission fee shall be charged.

By Councilmember Beal

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Lilly; a letter from Mayor Hollister regarding the proposed expansion of Oldsmobile Park

REFERRED TO THE COMMITTEE OF THE WHOLE

PUBLIC COMMENTS

Bernie Sinclair of 4906 Alpha St. spoke regarding a South Side Community Action Committee that has been formed. He asked Council to make sure they are represented at these meetings, one of which will be held tomorrow at 7:00 P.M. at the Judson Memorial Baptist Church. He invited the administration to attend, as well. The Church is located at 530 Vernon Ave.

Ed Simmer of 2609 Dyer said that if the City decides to reconstruct the skywalk at Cedar St. and Maplewood School, they should make sure that an alarm system is installed to warn vehicles that are approaching it.

COUNCILMEMBERS COMMENTS

Councilmember Beal confirmed the regularly scheduled meeting of the Ways and Means Committee to be held on Wednesday at 3:30 P.M. They have a heavy agenda for that meeting, which includes the issues of sewer rate methodology and the North Side Police Precinct. She noted that the letters in support of the North Side Police Precinct that have been received lately by the administration are a classic case of marketing. This precinct will not increase response time, nor will it put more police officers on the streets. Council must reassess the South Side Police Precinct before they add a North Side Precinct and spend more City money. The costs of running the two separate precincts is approximately $4,000,000 over the next two years. Council needs to think long and hard about increasing the cost of government in this way, particularly when the expense is not justified by increased safety or police protection. She is not opposed to the North Side Police Precinct, just concerned that the City have good reasons for making this kind of investment. She stated that she will assign the Internal Auditor to take a close look at this proposal.

Councilmember Lilly reported that there are two meetings dealing with the sale of the Board of

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Water & Light Office Building. He will report back to his colleagues on the outcome of the meetings. Wednesday, at 4:00 P.M. there is a meeting scheduled with Representative Curtis Hertell to talk about what the legislature intends to do about an office building. He announced that Ron Onufer of Council Staff has agreed to coordinate the 1996 City Council Softball Challenge, and asked that the Administration's representative and the representative from the Lugnuts arrange to meet with Ron to schedule the game for sometime around the middle of September.

Councilmember Leeman asked Councilmember Lilly who would be attending the meeting with Representative Hertel, and if the Administration would be represented at the meeting. Member Lilly responded that the meeting is for Councilmembers to bring them up to speed on the plans for a legislative office building. He reported that the last of the Concert in the Park concerts will take place this Wednesday at Georgetown Park which is located between Miller Rd. and Edgewood Blvd. near Martin Luther King Blvd. The band is Kikker and will begin at 7:00 P.M. He asked for a list of the names of Citizen Advisory Board Members and the dates and times of their meetings.

Councilmember Allen stated her concern over the on-going changes in staffing at the South Side Police Precinct and in the philosophy at LPD. She is afraid that we may be creating different levels of bureaucracy and spreading ourselves too thin. There are now three divisions of the Police Department. Anytime change of this magnitude occurs, there are problems with it. Council must assess these changes to see that they are worthwhile and that the goals set by the Police Department are responding to the changing methods. They need a periodic review of the Police Department reorganization. She will remain leery of the prospect of establishing another Police Precinct on the North Side until such time as a reassessment has been made. These concerns have been addressed with the Chief of Police and the Mayor. She confirmed the regularly scheduled meeting of the Public Safety Committee for Tuesday afternoon at 3:00 P.M.

Councilmember Novak suggested that City Councilmembers get together to see how much money they have available to buy off the umpires at the City Council Softball Challenge. He reported on an interview he did on WKAR radio station for discussion of the Stormwater Enterprise Fund. The interview culminated in his request that Alexander Bolt put his suggestion for an alternative into writing and present it to Council to present to an independent engineering firm for analysis. He shares Councilmember Allen's concerns over the reorganization of the Police Department. He remains frustrated over the continuing changes in Team Policing Officers. They change so frequently that they do not have an opportunity to become acquainted with the neighborhood.

Council President Jones suggested that the Administration arrange for a cross section of representatives from the South Side Police Precinct to address Council with their thoughts about the change in philosophy and about the additional expenditures that are necessary to support the two separate precincts.

Councilmember Benavides said that no one has been coerced into supporting the North Side Police Precinct. The people of the community are not dumb. If Council really wants to know what the people want, they should conduct a Town Meeting on the subject. He volunteered the Cristo Rey Community Center Gymnasium for this purpose.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener thanked all the City Employees who participated and helped in planning for the Employee Recognition Picnic last Wednesday. This was a wonderful picnic, the best held so far.

With regard to the North Side Police Precinct, this concept has all ready been implemented, it was done last year. The idea is to spread the concept of Community Policing (which has been very effective) throughout the entire city. They have developed Citizen Advisory Boards for both precincts to allow for citizen input. It is a priority for the precincts to improve response time. The questions being asked by Council are good ones. There are always stresses and problems when things are changed, but this philosophy has clear goals and has been very well thought through.

ADJOURNED P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS AUGUST 26, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence, and the Pledge of Allegiance was led by Council President Jones

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Proceedings of August 19, 1996 as submitted

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; an application for Industrial Facilities Exemption Certificate from General Motors Corp. for the Lansing Car Assembly, Plant #6 located at 401 Verlinden Ave.

2. From Councilmember Lilly; an application for Industrial Facilities Exemption Certificate from General Motors Corp. for the Lansing Care Assembly Plant #1, located at 920 Townsend Ave.

3. From Councilmember Novak; a letter from Reverend Lester Stone, Pastor of Friendship Baptist Church inviting Councilmembers and Mayor Hollister to participate in "The March For Justice" to be held on Saturday, September 28, 1996 beginning at J.W. Sexton High School at 9:30 A.M.

4. From Councilmember Novak; a memo from Mayor Hollister submitting a Bond Resolution for the Tollgate Drain CSO Project

5. From Councilmember Benavides; a letter from Mayor Hollister recommending the appointment of Judson Werbelow and Joseph Graves Jr. to the Board of Water & Light Board of Commissioners for Terms to Expire June 30, 2000.

6. From Councilmember Leeman; a Resolution approving an appropriation from Community Use Funds for a Capital Area United Way Event at Oldsmobile Park

7. From Councilmember Leeman; a Resolution approving a Transfer of Funds for Donations to Project Play from LEAF

8. From Councilmember Lilly; Committee Report from the Committee on General Services recommending the adoption of an Ordinance amending Ordinance #354, for the purpose of changing the name of the holder of the Cable Television franchise granted by the City of Lansing.

9. From Councilmember Lilly; Ordinance amending Ordinance #354 to change the name of the Parent Company of the Grantee of the Cable Television Franchise Granted by the City of Lansing from Continental Cablevision, Inc. to U.S. West, Inc. because of the merger of these two companies.

10. From Councilmember Lilly; Resolution in support of the Merger of U.S. West and Continental Cablevision

Carried unanimously

SPECIAL CEREMONIES

A. Mayor Hollister, along with Parks and Recreation Director R. Eric Reickel presented certificates of recognition to Hershey Track and Field Participants who competed in the State Finals in Howell.

B. Mayor Hollister presented a Proclamation to Paul Hufnagel proclaiming the week of September 2-8, 1996 as Union Label Week in Lansing.

C. Mayor Hollister, His Business Ombudsman Bob Johnson, and Christine Doby introduced the first graduates of training classes promoting new business ownership in association with the Lansing Community Micro enterprise Fund. Each of the prospective business owners have completed 30 hours of business development training. As part of the training, they were required to submit a Small Business Development Plan. Mayor Hollister thanked the participants

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of this new program designed to revitalize the inner-city economy. He commended all of the entrepreneurs and asked them to report back to Council a year from tonight to fill us in on their progress.

D. President Jones and Jennifer Grau, Director of the Lansing Neighborhood Council presented certificates of recognition to Winners of the 1996 'Neighborhoods-N-Bloom' Contest. Jennifer Cochran announced Corporate Sponsors and thanked them for their contributions that allow this program to continue year after year.

PUBLIC HEARINGS

A. In consideration of an Amendment to Ordinance #354 to provide for a Name Change of the Parent Company of the Grantee of the Cable Television Franchise granted by the City of Lansing from Continental Cablevision, Inc. to U.S. West, Inc.

Marc Thomas of 1300 W. Barnes Ave., Chair of the Cable and Telecommunications Advisory Board reported that the Board has recommended approval of this merger.

Councilmember Benavides distributed a list of questions that the General Services Committee sent to Continental Cablevision and U.S. West. Until such time as they receive a response to their questions, they are reluctant to recommend action on approval of the merger. However, the time allotted for City Council's approval of the merger has nearly expired, and upon expiration of the time period the merger will be approved by default.

City Attorney Smiertka indicated that the law provides that if the City does not take action to approve or oppose the merger within the 120 days allotted to it, the merger receives automatic approval. The 120 day time period began in May when the application was submitted, and runs out today. It is his understanding that the General Services Committee submitted the list of questions to Continental Cablevision and U.S. West last week. No issues of substantial focus have arisen to date. U.S. West would be subject to all of the provisions of the Franchise Agreement as they currently exist. This is merely an exchange of stock situation.

Bill Black, Director of Corporate Affairs from Continental Cablevision said that Continental just received these questions on Thursday, August 22, 1996. They have flown in a Representative of U.S. West, who is here to address Council regarding these questions tonight.

By Councilmember Rick Lilly

That the City Council do now resolve itself into the Committee of the Whole for the purpose of discussing the Approval of the Merger between U.S. West and Continental Cablevision.

Carried unanimously

Principal Legislative Assistant to City Council, Ron Onufer posed the following questions developed by the General Services Committee to Mr. Black of Continental Cable and John Aragon of U.S. West.

1. Have any aspects of the merger changed since the FCC Form 394 and related documents were submitted to the City?

Mr. Aragon said that the only change is that Continental Cablevision will become a subsidiary of U.S. West, and U.S. West will become the parent company. This is being done to avoid encumbering U.S. West with existing debts of Continental Cablevision. Continental Cablevision as a subsidiary of U.S. West will hold the franchise.

2. Does U.S. West, Inc. have any specific financial and/or operational plans for Lansing that have not yet been made public?

Mr. Aragon answered; No.

3. Does U.S. West, Inc. unconditionally guarantee, for the remainder of the franchise term, to honor all obligations of the franchise to which Continental Cablevision, Inc. committee.

Mr. Aragon responded affirmatively.

4. Is it still the intent of U.S. West, Inc. to leave daily operations of the Lansing franchise in the hands of Continental Cablevision of Michigan, Inc.?

Mr. Aragon answered; Yes.

5. Are organizational and budgetary decisions for Continental Cablevision of Michigan Inc. now being made in Ohio?

Mr. Aragon said that some decisions are being made in Lansing and some are being made in Ohio, depending upon the nature of the decision.

6. Will U.S. West, Inc. have a corporate office in Michigan? If so, in what community?

Mr. Aragon responded in the negative.

7. What impact will the merger have on the extent of Continental's planned investments in Lansing regarding cable television, telephony, and Internet access?

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Mr. Aragon stated that the investments planned by Continental Cablevision for the Lansing area should be exceeded under the parentage of U.S. West.

8. Will Continental's full-time workforce in Lansing expand, stay the same, or shrink over the next eight years?

Mr. Aragon said that U.S. West, like any other business, has a changing work force.

9. Please provide some background on U.S. West, Inc. As a corporate neighbor in those communities in which the company is a significant employer, including Atlanta.

Mr. Aragon stated that U.S. West has always contributed money, as well as sweat equity into the communities they have been involved in. They consider their corporate citizenship as a key ingredient of their corporate existence.

10. Does U.S. West, Inc. plan to seek renewal of Continental Cablevision of Michigan, Inc.'s franchise, which will expire in April 2004?

Mr. Aragon responded in the affirmative.

11. Why does U.S. West, Inc. want to own a cable television franchise in Lansing, among other places?

Mr. Aragon answered that U.S. West wants to be a player in the Cable industry. They think that acquiring Continental Cablevision is the way to do that. Continental is way ahead of other cable companies in the use of fiber optics.

12. In the event that the City grants one or more non-exclusive cable franchises to other companies, how will U.S. West, Inc.'s , plan for Lansing be affected? City Attorney Smiertka asked particularly for information about how their plans would change if franchises for video dial tone services were granted.

Mr. Aragon responded that they would still comply with the franchise rules. They would be unwilling to commit to any other arrangements until such time as the FCC rules have been completed.

Councilmember Novak asked who is financing this 10.8 billion dollar merger, including the assumption of Continental Cablevision's existing debt.

Mr. Aragon said that 1/3 of the cost is being covered in cash and the remaining 2/3 through stock.

Councilmember Novak asked Mr. Aragon if there would be any changes in rate setting formulas and requested that U.S. West submit to Council a copy of their current formulas and indices.

Mr. Onufer summarized for Councilmembers where this proposed merger stands right now.

By Councilmember Lilly

That the Committee of the Whole vote to recommend that the Ordinance approving the name change of the City of Lansing's Cable Franchise holder from Continental Cablevision to U.S. West and agree to vote to suspend the rules allowing the placement of this ordinance on tonight's agenda for passage.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Novak dissenting)

By Councilmember Benavides

That the Committee of the Whole do now rise

Carried unanimously

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. In consideration of the Sale of Property; Lot 6 of the R.E. Olds Plat

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

C. In consideration of Special Assessment Roll #B-58 for Downtown Sidewalk Repair Contract, P.S. #36275

H. A. Welch of 408 S. Washington asked if this is a special assessment against the merchants for the cost of repairing the sidewalks?

Jane Dykema from the Public Service Department said that there are 37 properties on this special assessment roll. All of the parcels have been painted yellow at the Curb. 408 S. Washington is not on the roll. However, in answer to Mr. Welch's question, 50% of the cost will be assessable to the property owner as their properties come up for repair.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

D. In consideration of the Principal Shopping District Special Assessments, and the proposal to establish Four Special Assessment Zones and their Boundaries

Fred Stackable of 300 N. Grand Ave. protested the PSD district boundaries. The district that

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his office building is located in is made up of mostly publicly owned properties and City held parks and facilities, as well as L.C.C.. This area, surrounding Grand Ave., North of Michigan Ave. is not a Class A Shopping District area and should not be developed into one. Therefore the assessment proposal for this area, which is the most heavily assessed district, should not be. He requested a review of the special assessment district boundaries.

Dale Hilt of 300 N. Larch said that the Business he represents is located across from the Baseball Stadium. They do not see a benefit to their building for this assessment. He asked why this is being done, who is managing the money, and Who will determine how it is to be spent. Who sits on this committee?

Penney Strang of 309 E. St. Joseph said that this property should not be part of the district.

Jan Hayhow, Owner of Michigania, spoke in support of the Principal Shopping District. This is an investment in the future of Lansing. The name "Principal Shopping District" may be a misnomer, a better name would be Principal Business District. All businesses in downtown Lansing should be expecting a return on their investments. They are not reinventing the wheel Here. This Ordinance is a successful tool of revitalization across the country.

Ken Stockwell of 4436 Satinwood said that his concern is how the money will be spent.

Kevin McKinney of 6950 W. Eaton Hwy. said that he has a business downtown, and he supports the Principal Shopping District Ordinance and Assessments.

Kelly Thompson, representing Lansing 2000 said that he, along with the Committee, has been working on this project for 2½ years. This is not a new concept.

H.A. Welch, Owner of Capitol Fur said that this is an important project. Five years from now they will all be able to sit around and say how great downtown is and how much activity there is.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

By Councilmember Lilly

that the following be accepted under suspension of the rules:

1. Committee Report from the Committee on General Services recommending the adoption of an Ordinance amending Ordinance #354, for the purpose of changing the name of the holder of the Cable Television franchise granted by the City of Lansing.

2. Ordinance amending Ordinance #354 to change the name of the Parent Company of the Grantee of the Cable Television Franchise Granted by the City of Lansing from Continental Cablevision, Inc. to U.S. West, Inc. because of the merger of these two companies.

3. Resolution in support of the Merger of U.S. West and Continental Cablevision

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Novak dissenting)

PUBLIC COMMENT

James Ballard of 2850 Shadowood Dr. in Holt spoke in opposition to the denial of his claim against the City of Lansing for fees assessed against his property prior to his ownership. Five out of seven of the public nuisance fines against the property were made without the proper notifications being mailed to the new owner.

Reverend Lester Stone of the Friendship Baptist Church, and President of the Black Pastors of Lansing, spoke on his letter accepted under late items. This letter informs Council of a March for Justice for people of Ethnic Minorities in Lansing. It is the result of injustices perpetrated against black men by law enforcement agencies in the Lansing area. All black individuals interested in helping to form this protest are encouraged to join them in the March to be held September 28, 1996 beginning at 9:30 A.M. at Sexton High School.

Ammahad Shekarakki of 902 W. Willow encouraged everyone who is opposed to racism and bigotry to join the March for Justice.

Lloyd Teets of 116 E. Elm St. spoke in opposition to the passage of the ethics ordinance that is on tonight's agenda. This ordinance has been a long time in development and a lot of work went into it. He does not support it because it is not strong enough. It would not prevent something like Early Retirement, nor would it have prevented the Fire Department Scandal that is currently brewing. This ordinance is like a gun without bullets.

Russell Terry of 121 W. Mt. Hope suggested that the wealthy people who use Groesbeck Golf Course should volunteer to pay for it's maintenance. There are a lot or people who could be supporting the types of improvements that the City is bonding for.

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COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from the Ingham County/City of Lansing Community Corrections Advisory Board (CCAB), requesting Council Approval of the extension of Terms for Members Mary Kay Scullion and Chuck Steinberg

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

B. Letter from LaVerne D. Hugger of 2414 Vine St. regarding concrete forms left in his yard by a contractor for the City who replaced curbing in front of his house

REFERRED TO THE MAYOR

C. Letter protesting the Principal Shopping District Special Assessments from:

-Roberta E. Gadaleto
-Thomas H. Shields

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

D. Letter from Hacker Real Estate Co. requesting approval of Z-04-96, 4720 S. Cedar and providing Council with background information on previous attempts to rezone this property

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

E. Z-14-96, 325 N. Chestnut, Petition for Rezoning from "D-2" Residential/Office to "D-1" Professional Office District filed by Public Policy Associates to allow for use as a Professional Office

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

F. Letter from the Tri-County Regional Planning Commission requesting information from the City for the Development of their Geographic Information System

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister had no comments at this time

CITY OFFICER AND BOARD REPORTS

A. Lansing Police Department Annual Report

RECEIVED AND PLACED ON FILE

B. Letters from the Mayor re:

1/ Request for Community Use Funds; Car Capitol Celebration 1996

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2/ Request for Community Use Funds; 4th Annual Anishinaabek Cultural Celebration

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

3/ Appointment of Carol L. Skillings 701 McKim Ave. to an At-Large Seat on the Traffic Board for a Term To Expire June 30, 1999

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4/ Appointment of Ronald W. Bloomberg 2126 Moores River Dr. to a Fourth Ward Seat on the Public Service Board for a Term to Expire June 30, 2000

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

5/ Public Improvement IV, 1996 Downtown Sidewalk Repair

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

6/ Transfer of Funds: Public Service, Parks & Recreation, LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ LEPFA Operating Agreement

REFERRED TO THE COMMITTEE OF THE WHOLE

COMMITTEE REPORTS

RESOLUTION #378
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred rezoning petition Z-7-96, rear (south) 264 feet of 401 West Holmes Road, from "J" Parking District to "B" Residential District, filed by Pastor Harold DeMott, representing Church of the Nazarene,

REPORTS AS FOLLOWS: The Committee recommends Council approval of the Z-7-96 ordinance as introduced, which would grant the rezoning petition as filed. This report is for information only.

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Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #379
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred rezoning petition Z-3-96, portion of 330 Cloverland , from "A" Residential District to "F" Commercial District, filed by Bill Jacovac, Sr., on behalf of the owner,

REPORTS AS FOLLOWS: The Committee recommends Council approval of the Z-3-96 ordinance as introduced, which would grant the rezoning petition as filed. This report is for information only.

Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #380
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, to whom was referred the proposed ordinance to amend Chapter 290, Conflicts of Interest, of the City Code to retitle the chapter "Ethics", to declare public office and public employment as a public trust involving a fiduciary duty, to establish a complaint procedure applicable to the Board of Ethics, to define certain prohibited transactions, to regulate the participation in government decisions, to provide for financial disclosure by elected and appointed officials, to adopt gift regulations, to require lobbyist disclosure by City officers and employees, to provide for education concerning the provisions of this chapter, and to provide whistle blower protection,

REPORTS AS FOLLOWS: This ordinance has been reviewed and approved (with changes) by the Committee of the whole after several meetings and several hours of discussion. The Committee of the Whole recommends that the final version (Draft # 10) of the ordinance be adopted.

BY COUNCILMEMBER JONES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #381
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded two applications for City licenses and permits, which have been routinely processed without objection and are ready for final action by this Council; and

WHEREAS, the Committee on General Services recommends that the licenses and permits be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City licenses:

WASTE HAULER LICENSE

Bill Tomlinson, Inc., of Williamston

FIREWORKS DISPLAY PERMIT

Larry J. Holley, of Eaton Rapids, at 9:45 PM on September 2, 1996, at Riverfront Park

By Councilmember Benavides

Carried unanimously

RESOLUTION #382
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Capital City Sports Club, Inc., has requested a resolution of recognition as a non-profit organization operating in the Lansing community for the purpose of obtaining a gaming license; and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a non-profit organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes the Capital City Sports Club, Inc., as a non-profit organization operating in the Lansing community.

By Councilmember Benavides

Carried unanimously

RESOLUTION #383

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BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated funds in the Community Use Account for the purpose of assisting with the expenses of community-oriented events held at the Lansing Center; and

WHEREAS, the Committee of the Whole has reviewed a request for payment of such expenses; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the following expenditures under current policies:

COMMUNITY USE OF THE LANSING CENTER

Capital City Riverfest, use of Amphitheatre on 8/30/96, $250.00

By Councilmember Benavides

Carried unanimously

RESOLUTION #384
BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT the Second Ward Councilmember's appointment of Robert Nolle to the Board of Ethics, representing the Second Ward and replacing Orjiakor N. Isiogu, is hereby confirmed, for a term to expire June 30, 2000.

By Councilmember Benavides

Carried unanimously

RESOLUTION #385
BY THE PLANNING & DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS the Lansing City Council has previously established a Lansing Industrial Development District (IPR-4-78) on August 13, 1979 and amended on October 7, 1985, on property commonly known as 1800 Bassett Street, Lansing, Michigan, more fully described as:

The north 132 feet of Lots 27 and 28 and the north 132 feet of the west 27.7 feet of Lot 29, Assessor's Plat No. 11 on the northwest 1/4 of Section 8, T4N, R2W, City of Lansing, Ingham County, Michigan.

The north 132 feet of the west ½ of Lot 30, and the north 132 feet of the east 9.3 feet of Lot 29; Lot 31, except the east 163 feet; Lot 32, except the east 164.5 feet; Lot 33, except the east 164.5 feet; Lot 34, except the east 164.5 feet; Assessor's Plat No. 11, City of Lansing, Ingham County, Michigan.

Lots 1 through 9, Outlots A and B, vacated Shirann Street, and to be vacated Owens Street adjoining Lots 6 through 9 and outlots A and B; all in Shirann Subdivision, City of Lansing, Ingham County, Michigan.

WHEREAS, Cameron Tool Corporation has applied, by filing an amended application, for an Industrial Facilities Exemption Certificate for the construction and equipping of a new facility within said established district; and

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on Cameron Tool Corporation's amended application for an Industrial Facilities Exemption Certificate (IFT-2-95), to allow for any residents and taxpayers to appear and be heard; and

NOW, THEREFORE BE IT RESOLVED that such public hearing shall be held in the City Council Chambers, Tenth Floor, Lansing City Hall, Lansing, Michigan, on Monday, the 9th day of September, 1996 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City, and that the City Clerk be requested to give at least ten (10) days notice of a public hearing and that the legislative body of each taxing unit levying ad valorem taxes on this property as well as the owners of real property located within the established District be also notified of this application and the scheduled public hearing.

By Councilmember Lilly

Carried unanimously

RESOLUTION #386
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING

Z-8-96
500 W. Saginaw Street,
North west corner Chestnut and Saginaw Streets
Denial of request for rezoning from "D-1" Professional Office District to "F" Commercial District

WHEREAS, Lisa Garvey, 414 S. Merchant Street, Carson City, MI 48811 has requested a Zoning Map Amendment from "D-1" Professional office District to "F" Commercial District for 500 W. Saginaw Street, located at the north west corner of Chestnut and Saginaw Streets. The property is approximately 55, x 901; 4,950 square feet, and presently contains a vacant two-family dwelling unit. The applicant proposes to rezone the site for use as a sign business; and

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WHEREAS, the Planning Board held a public hearing on Tuesday, June 4, 1996, at which the applicant spoke in favor of the petition. Ms. Janet Guinter, 708 N. Chestnut Street, spoke in opposition of the request, and the Genesee Neighborhood Association and six other individuals submitted letters stating opposition to the rezoning request; and

WHEREAS, the Planning Board, at their meeting of June 18, 1996, reviewed the petition and unanimously (6-0) recommended denial of the petition; and

WHEREAS, the Mayor concurs in the recommendation of the Planning Board; and

WHEREAS, the City Council held a public hearing on August 5, 1996; and

WHEREAS, the Physical Development Committee of Council has reviewed the request and the report of the Planning Board and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lansing hereby denies the request (Z-8-96) of Lisa Garvey, 414 S. Merchant Street, Carson City, MI 48811 for a Zoning Map Amendment from "D-1" Professional Office District to "F" Commercial District for 500 W. Saginaw Street, located at the north west corner of Chestnut and Saginaw Streets.

By Councilmember Lilly

Carried unanimously

RESOLUTION #387
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RE: ACT-19-96 - E. Side 2600-2700 Blk. S. Cedar, Vacation of utility easements

WHEREAS, Charles Abraham, of Abraham Real Estate, 431 S. Capitol Avenue, Lansing, MI, has requested that the City of Lansing vacate utility easements located on 170-175, South Parkwood Subdivision, in the 2700 Block of South Cedar Street- and

WHEREAS, Mr. Abraham is developing the property for retail use; and

WHEREAS, the Planning Office contacted all utilities regarding this proposal, and no public or private utility has objected to this proposal; and

WHEREAS, on July 16, 1996, the Planning Board conducted an Act 285 Review of the location, character and extent of the proposal, and found that the unused utility easements crossing over the property are a barrier to implementing the developer's proposal, and that no public purpose remains for the retention of these easements- and

WHEREAS, on July 16, 1996, the Planning Board, by a vote of 6-1, recommended to approve the vacation of the Landel Metropolitan District easement dated February 14, 1948, and the City of Lansing easement dated June 22, 1981, be vacated as proposed; and

WHEREAS, the Committee on Development and Planning has reviewed the Planning Board's recommendation and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED that the City of Lansing release the following easements:

- A Landel Metropolitan District easement for a sewer across Lot 170, dated February 14, 1948, more particularly described as: On a line five (5) feet West of and parallel to the East boundary line, Lot 170, South Parkwood Subdivision, City of Lansing, Ingham County, Michigan. Recorded on Liber 64, Page 515, Ingham County Register of Deeds.

- Unrecorded easement rights reserved by the City of Lansing on June 22, 1981, for overhead electric lines in the East 20 feet of Lots 171, 172, 173, and 174, also the east 20 feet of the west 120 feet of Lot 175, South Parkwood Subdivision, City of Lansing, Ingham County, Michigan.

BE IT FINALLY RESOLVED, the Mayor is authorized to sign and execute all necessary documents to effectuate the aforestated release of easements, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #388
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING

WHEREAS, it is the policy of the City Council of the City of Lansing to undertake and promote activities aimed at the preservation and improvement of neighborhoods in the City; and

WHEREAS, the City has promoted and supported efforts to bring about neighborhood improvement throughout the City by sponsoring activities which include acquisition and removal of housing on a limited basis to address dilapidated housing, overcrowding or

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REDEVELOPMENT; AND

WHEREAS, THE SINGLE FAMILY RESIDENTIAL STRUCTURE LOCATED AT 117 CLIFFORD AVENUE IS A DILAPIDATED STRUCTURE NOT ABLE TO BE REHABILITATED ECONOMICALLY AND IS LOCATED IN AN AREA CHARACTERIZED BY OVERCROWDING; AND

WHEREAS, ACQUISITION AND REMOVAL OF THE STRUCTURE BY THE CITY, AND SPLITTING THE LOT BETWEEN ADJACENT PROPERTY OWNERS WOULD BENEFIT THE NEIGHBORHOOD AND REDUCE OVERCROWDING; AND

WHEREAS, THE CITY CHARTER AND CHAPTER 208 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING REQUIRE CITY COUNCIL APPROVAL OF THE ACQUISITION AND DISPOSITION OF REAL PROPERTY;

NOW THEREFORE, BE IT RESOLVED THE CITY COUNCIL AUTHORIZES THE ADMINISTRATION TO ENTER INTO NEGOTIATIONS TO ACQUIRE THE RESIDENTIAL PROPERTY LOCATED AT 117 CLIFFORD AVENUE, MORE PARTICULARLY DESCRIBED AS:

THE NORTH 27 ½ FEET OF LOT 51 AND THE SOUTH 5 ½ FEET OF LOT NO.52, PLAT OF HARRAH'S ADDITION TO THE CITY OF LANSING, INGHAM COUNTY, MICHIGAN.

BE IT FURTHER RESOLVED THAT THE PUBLIC ACT 285 REVIEW PROCESS IS WAIVED FOR THIS PROPOSED ACQUISITION.

BE IT FINALLY RESOLVED THAT THE CITY ADMINISTRATION IS AUTHORIZED TO RECOMMEND THE TERMS OF THE PURCHASE OF THE PROPERTY TO THE COMMITTEE ON DEVELOPMENT AND PLANNING, ONCE NEGOTIATIONS ARE COMPLETED, FOR FINAL REVIEW AND ACTION BY THE CITY COUNCIL.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #389
BY COMMITTEE ON
DEVELOPMENT & PLANNING

WHEREAS, IT IS THE POLICY OF THE CITY COUNCIL OF THE CITY OF LANSING TO UNDERTAKE AND PROMOTE ACTIVITIES AIMED AT THE PRESERVATION AND IMPROVEMENT OF NEIGHBORHOODS IN THE CITY; AND

WHEREAS, THE CITY HAS PROMOTED AND SUPPORTED EFFORTS TO BRING ABOUT REDEVELOPMENT OF THE 500 BLOCK OF W. GENESEE ON THE CITY'S NEAR WEST SIDE NORTH OF FERRIS PARK BY AUTHORIZING THE ADMINISTRATION IN RESOLUTION #690 DATED DECEMBER 13, 1994, AS AMENDED BY RESOLUTIONS #268 AND # 371, DATED MAY 23, 1994 AND JUNE 27, 1994 RESPECTIVELY, AND RESOLUTION #504 DATED AUGUST 29, 1994 TO ACQUIRE PROPERTIES IN THE BLOCK FACE, REMOVE THE EXISTING STRUCTURES AND PREPARE THE SITES FOR DEVELOPMENT OF RESIDENTIAL USES THAT WILL BE DESIGNED IN HARMONY WITH THE SURROUNDING NEIGHBORHOOD; AND

WHEREAS, THE CITY HAS COMPLETED ACQUISITION OF FIVE (5) PROPERTIES; AND

WHEREAS, THE CITY HAS BEEN WORKING WITH THE MICHIGAN NON-PROFIT REAL ESTATE DEVELOPMENT CORPORATION, WHO HAVE, WITH THE ASSISTANCE OF THE CITY, ACQUIRED THREE (3) OF THE OTHER PROPERTIES IN THE BLOCK FACE, TO REDEVELOP THE 500 BLOCK OF WEST GENESEE FOR SINGLE FAMILY HOMES; AND

WHEREAS, THE PROPOSAL TO DEVELOP SINGLE FAMILY HOMES ON THE SITE WOULD CONTRIBUTE TO THE IMPROVEMENT AND REDEVELOPMENT OF THE RESIDENTIAL NEIGHBORHOOD, AND WOULD BE CONSISTENT WITH THE ZONING CODE AND EXISTING DEVELOPMENT IN THE AREA; AND

WHEREAS, THE PROPERTY ACQUIRED BY THE CITY IS STRATEGIC TO THE REDEVELOPMENT PLAN AND WILL BE NEEDED BY THE NONPROFIT TO BEGIN IMPLEMENTATION;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL AUTHORIZE THE SALE OF THE PROPERTIES LOCATED AT 512, 516 AND 518/20 W. GENESEE STREET, AND THE SOUTH THIRTY FIVE (35) FEET OF EACH OF THE PROPERTIES LOCATED AT 511 CHESTNUT AND 508 PINE STREET LEGALLY DESCRIBED AS:

512 W. GENESEE(3301-16-107-131-3) THE WEST 60.5 FEET OF LOT 6, BLOCK 73, ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

516 W. GENESEE(3301-16-107-121-4) THE EAST 31 FEET OF LOT 7, BLOCK 73, ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

518/20 W. GENESEE(3301-16-107-111-5) THE WEST 50 FEET OF THE EAST 81 FEET OF LOT 7, BLOCK 73, ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

511 CHESTNUT STREET(3301-16-107-161-0) THE SOUTH 35 FEET OF LOT 5, BLOCK 73, ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

508 PINE STREET(3301-16-107-081-1) THE SOUTH 35 FEET OF LOT 8, BLOCK 73, ORIGINAL PLAT, CITY OF LANSING, INGHAM COUNTY, MICHIGAN,

TO THE MICHIGAN NON-PROFIT REAL ESTATE DEVELOPMENT CORPORATION, A MICHIGAN NONPROFIT CORPORATION, FOR THE SUM OF SIX THOUSAND AND NO/100 ($6,000.00) DOLLARS PLUS ALL CLOSING COSTS, SUBJECT TO RETAINING THE NORTH TWENTY (20) FEET FROM THE PINE AND CHESTNUT STREET PROPERTIES.

BE IT FURTHER RESOLVED THE PUBLIC ACT 285 REVIEW PROCESS IS WAIVED FOR THE SALE OF THIS PROPERTY.

BE IT FURTHER RESOLVED THAT ALL PROCEEDS FROM THE SALE OF THE PROPERTY SHALL BE RETURNED TO

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the City's Community Development Block Grant program.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to sign and execute all necessary documents to effectuate the aforestated sale, subject to prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #390
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Board of Water and Light (BWL) on July 25, 1995 passed Resolution 95-7-3 declaring a certain parcel of property commonly known as 1020 Filley Street, Lansing, Michigan, to be surplus real property not required for BWL operations; and

WHEREAS, the BWL determination of the property being surplus is made in part because said property was used as a well site but not longer meets current state standards for such wells; and

WHEREAS, the BWL has negotiated a sale of said property to Maurer Enterprises, Inc., a Michigan corporation, on land contract terms as contained in a certain August 15, 1995 Purchase Agreement for a sum of $45,000.00 with 20% down; and

WHEREAS, pursuant to Lansing City Charter, the BWL is requesting the City Council concur that the property is surplus and approve its sale pursuant to said Purchase Agreement;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council concurs that the following described parcel of property commonly known as 1020 Filley Street, Lansing, Michigan, is no longer required for Board of Water and Light operation:

Land previously deeded to the Board of Water and Light and recorded in Liber 1520, Page 1279 and described as:

The West 100 feet of a parcel described as:

That part of the SE 1/4 of NE 1/4 of Section 5, T4N, R2W, City of Lansing, Ingham County, Michigan, commencing at a point on the Northerly line of Filley Street and the West line of Lot 8 of Scott's Subdivision on Sections 4 and 5, as recorded in Liber 3, Page 7 of Ingham County Plats, said point of beginning being North 440.96 feet and South 59"41 1 East 489.0 feet from the SW corner of SE 1/4 of NE 1/4 of said Section 5; running thence North on West line of said Lot 8, 200.0 feet; thence West 200.0 feet; thence South 83.05 feet to Northerly line of Filley Street; thence South 59"41' East 231.68 feet to point of beginning, and subject to all easements and restrictions of record.

BE IT FURTHER RESOLVED the Lansing City Council approves the sale of said property pursuant to the terms of the August 15, 1995 Purchase Agreement, including the sale to Maurer Enterprises, Inc. on land contract for the sum of $45,000.00, with 20% down, the balance quarterly based on a fifteen (15) year amortization, at an interest rate of nine percent (9%) per annum and a five (5) year balloon; and with the BWL at its expense plugging and sealing municipal water well 25-41 and disconnecting the raw water main serving the well.

BE IT FURTHER RESOLVED that upon closing of the sale of said property, all the net proceeds from the sale may be retained by the Board of Water and Light for its operation.

BE IT FINALLY RESOLVED the Mayor, on behalf of the City, is authorized to execute all documents necessary to complete this transaction, subject to the prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

THE RESOLUTION DENYING THE CLAIM OF CENTENNIAL CONSTRUCTION AND REMODELING COMPANY WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BENAVIDES

RESOLUTION #391
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the adoption of procedures to enforce the filing of Transfer Affidavits is within the purview of the City Council; and

WHEREAS, the penalty for not filing the Property Transfer Affidavit is established by law, Section 27b of PA 415 of 1994; and

WHEREAS, the City Council may waive, by resolution the penalty due under subsection (1)(c), but not the amounts mentioned in subsection (1)(a) and (1)(b); and

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WHEREAS, pursuant to PA 415, 1994 the City of Lansing, adopts the following procedure for the Assessor to follow in the implementation of the collection of a penalty of $5.00 per day up to a maximum of $200 for failure to file a Transfer Affidavit (form L-4260) within 45 days of a "transfer of ownership"; and

WHEREAS, if a "transfer of ownership" has occurred for which a Transfer Affidavit for (L-4260) has not been filed, the Assessor will send the transferee (usually a buyer) a copy of form L-4260 and advise the transferee of the obligations under the law to file the form; and

WHEREAS, if the buyer files the required Transfer Affidavit, within 30 days, the penalty due under subsection (1)(c) shall be waived; and

WHEREAS, if the buyer fails to file the required Transfer Affidavit, the Assessor shall certify for collection on the next tax roll to the Treasurer any penalty due under subsection (1)(c); and

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Assessor shall follow the above stated Transfer Affidavit Procedure.

By Councilmember Benavides

Carried unanimously

RESOLUTION #392
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated funds in the Community Promotions Account and a Community Use Account for the purpose of assisting with the expenses of community-oriented events; and

WHEREAS, the Committee on General Services has reviewed several requests for payment of such expenses; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the following expenditures under current policies:

COMMUNITY PROMOTION

Westside Neighborhood Association, use of Showmobile July 27, $42 8 . 7 9

COMMUNITY USE OF THE LANSING CENTER

N.Y.P.P.P. Conference, July 20, $818
N.Y.P.P.P. Dinner, December 12, 1995, $200

Festeve, December 31, 1995, $625

Tri-County Comm. Advocates Dinner, May 31, $466
Human Relations and Community Services Summit, October 26, 1995, $ 1,012.5 0
Transportation Division; Customer Service Training Conference, November 10, 1995, $287.50

By Councilmember Benavides

Carried unanimously

RESOLUTION #393
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a request to install a multi-way stop at the intersection of Berry Avenue and Tenny Street, from Mr. and Ms. Kroll of 223 W. Berry Avenue. Mr. and Mrs. Kroll made this request because they feel the existing yield signs on Tenny Street are often ignored;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to deny the installation of a multi-way stop at the intersection of Berry Avenue and Tenny Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and does not concur with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety recommended to install a multi-way stop at the intersections of Berry Avenue and Tenny Street;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order Numbers 96-037 thereby authorizing the Transportation Engineer to a install multi-way stop at the intersection of Berry Avenue and Tenny Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 96-037 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are

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ERECTED.

BY COUNCILMEMBER ALLEN

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BEAL, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBERS BAUER, LILLY

RESOLUTION #394
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING FY 97 TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$138,950.46	EST. REVENUES-NYPPP 273-0-170001	
$51,031		SALARIES 273-672500-702000-17805
$12,876		FRINGE BENEFITS 273-672500-715000-17805
$ 3,112		TRAVEL 273-672500-747100-17805
$ 7,133.46		SUPPLIES 273-672500-742000-17805
$39,700		CONTRACTUAL 273-672500-743000-17805
$25,098		OTHER 273-672500-741850-17805

(NYPPP GRANT AWARD WAS "SHORT CYCLED" IN SECOND YEAR, RESULTING IN HOLD BACK OF FUNDS WHICH HAVE NOW BEEN RELEASED. ALSO RESTRICTED FUNDS HAVE BEEN RELEASED AND THE PROGRAM AUTHORIZED FOR ONE YEAR EXTENSION. REVENUE DETAIL ACCOUNT 273-0501204-17805.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 4,300	PARKS & RECREATION-UTILITIES 101-783820-744000-0	PARKS & RECREATION-CONTROL 101-783860-992200-0
$ 4,300	PARKS AND RECREATION-CONTROL 101-783860-992200-0	
$209,414	ESTIMATED REVENUE-GENERAL FUND 101-0-170001-0	
$213,714		CITY SUPP. AGCY.-CTRL 101-834101-992200-0
$213,714	CITY SUPP. AGCY-CONTROL 101-834101-992200-0	PRINCIPAL SHOPPING DISTRICT 101-834101-960210-0

(PRINCIPAL SHOPPING DISTRICT BUDGET FOR FY 97, AS AMENDED. REVENUE DETAIL ACCOUNTS: $159,320 (DISTRICT A: 101-0-626000.), $19,244 (DISTRICT B: 101-0-626001), $30,850 (DISTRICT C: 101-0-626002-0.). DOES NOT INCLUDE $1,828 IN 60% OFFSET FOR 501(C)(3) PROPERTIES.)

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #395
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING FY 96 TRANSFER BE APPROVED ;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$86.34	EST. REV.-HOME PROG 263-0-170001-0	HOME-BUILDING REHAB 263-931663-975201-0951

((PROGRAM INCOME FUNDS FROM LOAN PRINCIPAL (263-0-685006-0, $52.53), AND LOAN INTEREST (263-0-670250-0, $33.81), REQUIRED TO BE USED FOR BUILDING REHABILITATION.)

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #396
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING PARKS AND RECREATION DEPARTMENT HAS BEEN AWARDED A GRANT BY THE TRUSTEES OF THE CAPITAL REGION COMMUNITY FOUNDATION FROM THE LANSING FUND IN THE SUM OF $5,000, AND

WHEREAS, THE FOUNDATION STIPULATES THAT:

- THE GRANT WILL BE USED SOLELY FOR THE SPONSORSHIP OF THE CHILDREN'S STAGE AT RIVERFEST 1996.
- THE DEPARTMENT WILL BE HELD ACCOUNTABLE FOR ALL FINANCIAL EXPENDITURES MADE FROM THIS GRANT. AN EVALUATION AND FINANCIAL RECORDING FORM INCLUDED WITH THEIR AGREEMENT SHOULD BE FILLED OUT AND RETURNED TO THE FOUNDATION UPON COMPLETION OF THE GRANT EXPENDITURES BUT NO LATER THAN DECEMBER 1, 1996.
- ANY PUBLIC ANNOUNCEMENT OF THIS GRANT WILL IDENTIFY THE LANSING FUND OF THE CAPITAL REGION COMMUNITY FOUNDATION AS THE GRANTOR.

NOW, THEREFORE, BE IT RESOLVED THE CITY COUNCIL AUTHORIZES THE ACCEPTANCE OF THE $5,000 GRANT ON BEHALF OF CAPITAL CITY RIVERFEST, INC. FROM THE CAPITAL REGION COMMUNITY FOUNDATION LANSING FUND, AND

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BE IT FURTHER RESOLVED that the Mayor be authorized to place this funding in an appropriate expenditure account for administration of this grant upon award, and

BE IT FINALLY RESOLVED that any unexpended grant funds shall be returned to the foundation at the close of FY 97.

By Councilmember Beal

Carried unanimously

RESOLUTION #397
City of Lansing
Counties of Ingham and Eaton, State of Michigan

RESOLUTION APPROVING
BUILDING AUTHORITY CONTRACT FOR
GROESBECK MUNICIPAL GOLF COURSE
IMPROVEMENTS

WHEREAS, the City Council of the City of Lansing (the "City") , has determined, and does hereby reaffirm, that it is necessary for the public health, safety and welfare of the City to make improvements to the Groesbeck Municipal Golf Course (the "Improvements"); and

WHEREAS, Act 31, Public Acts of Michigan, 1948 (First Extra Session) , as amended ("Act 31"), provides through the procedures of building authority financing a means for the acquisition, construction and financing of recreational facilities; and

WHEREAS, the City, in accordance with the provisions of Act 31, has previously adopted Articles of Incorporation and has established the City of Lansing Building Authority (the "Authority"), with full powers to acquire, construct, and finance recreational facilities, including the Improvements; and

WHEREAS, this City Council determines it to be in the best interest of the City to finance all or a portion of the costs of acquiring and constructing the Improvements through the Authority in accordance with the provisions of Act 31; and

WHEREAS, in accordance with the requirements of Act 31, the City has published a Notice of Intention of Entering into Limited Tax-Supported Contract of Lease and of Right to Petition for Referendum Thereon (the "Notice"); and

WHEREAS, a proposed form of the Full Faith and Credit Limited Tax General Obligation Contract of Lease (the "Contract") with the Authority has been prepared.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby approves the Contract in the form presented to City Council. The Mayor and the City Clerk are authorized to immediately execute and deliver the Contract to the Authority. The Contract shall become effective upon the expiration of sixty (60) days following the date of publication of the Notice, unless, under the provisions of Section 8b of Act 31, the effectiveness of the Contract is stayed by reason of the filing of a sufficient petition for referendum thereon within forty-five (45) days after publication and the resultant necessity of prior approval thereof by the qualified electors of the City.

2. The City Council does hereby ratify and confirm its covenant in the Contract to levy ad valorem taxes against all taxable property in the City to the extent necessary to meet the obligations of the City thereunder in the event revenues from other sources, are insufficient for any reason whatsoever. Any such

taxes levied to pay the Cash Rentals under the Contract shall be limited as to rate or amount in the manner provided by law. This City Council hereby determines it to be necessary for the public health, safety and welfare of the City to construct and acquire the Improvements for the use of the City.

3. All resolutions and parts of resolutions insofar as the same conflict with the provisions of this resolution be and the same hereby are rescinded.

By Councilmember Beal

Carried unanimously

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a meeting held on August 26, 1996, at 7:00 o'clock P.M., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present as said meeting: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly Novak. And that the following Members were absent: None.

I further certify that Councilmember Beal moved adoption of said resolution.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak. And that the following Members voted against adoption of said resolution: None.

City Clerk

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BOND TERM: 20 Years

$1,300,000
CITY OF LANSING BUILDING AUTHORITY
COUNTY OF INGHAM, STATE OF MICHIGAN
1996 BUILDING AUTHORITY BONDS, SERIES I
(GENERAL OBLIGATION LIMITED TAX)
- GROESBECK GOLF COURSE IMPROVEMENTS -

SCHEDULE OF ESTIMATED PRINCIPAL AND INTEREST REQUIREMENTS

$1,300,000 Current Interest Bonds Dated: 9/1/96

Fiscal Year	Principal Due Oct-1	Interest Rate	Interest Due Oct-1	Interest Due NEXT Apr-1	Total P&I
1996 / 1997	$0	5.75%	$0	$43,604 *	$43,604
1997 / 1998	35,000	5.75%	37,375	36,369	108,744
1998 / 1999	35,000	5.75%	36,369	35,363	106,731
1999 / 2000	40,000	5.75%	35,363	34,213	109,575
2000 / 2001	45,000	5.75%	34,213	32,919	112,131
2001 / 2002	45,000	5.75%	32,919	31,625	109,544
2002 / 2003	50,000	5.75%	31,625	30,188	111,813
2003 / 2004	50,000	5.75%	30,188	28,750	108,938
2004 / 2005	50,000	5.75%	28,750	27,313	106,063
2005 / 2006	55,000	5.75%	27,313	25,731	108,044
2006 / 2007	60,000	5.75%	25,731	24,006	109,738
2007 / 2008	65,000	5.75%	24,006	22,138	111,144
2008 / 2009	70,000	5.75%	22,138	20,125	112,263
2009 / 2010	70,000	5.75%	20,125	18,113	108,238
2010 / 2011	75,000	5.75%	18,113	15,956	109,069
2011 / 2012	80,000	5.75%	15,956	13,656	109,613
2012 / 2013	85,000	5.75%	13,656	11,213	109,869
2013 / 2014	90,000	5.75%	11,213	8,625	109,838
2014 / 2015	95,000	5.75%	8,625	5,894	109,519
2015 / 2016	100,000	5.75%	5,894	3,019	108,913
2016 / 2017	105,000	5.75%	3,019	0	108,019
2017 / 2018	0	5.75%	0	0	0
	$1,300,000		$462,588	$468,817	$2,231,404

* 7 months interest.

Construction, Etc.		$1,066,240
Contingencies		42,650
Architect/Engineering		134,000
Sub Total		$1,242,890
Bond Discount	1.25%	16,250
Capitalized Interest		43,604
Other Bond Financing Costs		29,756
Total Costs		$1,332,500
Less Construction Fund Earnings		32,500
Bonds to be Issued		$1,300,000

STAUDER, BARCH & ASSOCIATES, INC.
Municipal Bond Financial and Marketing Consultants
3989 Research Park Drive
Ann Arbor, Michigan 48108
Phone (313) 668-6688 Fax (313) 668-6723

RESOLUTION #398
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, BY RESOLUTION #255 OF JUNE 3, 1996, THE CITY COUNCIL HAS TAKEN ACTION TO SUBMIT TO THE VOTERS OF THE CITY OF LANSING A CERTAIN BALLOT PROPOSAL FOR CONSIDERATION AT THE NOVEMBER 5, 1996 ELECTION; AND

WHEREAS, SAID PROPOSAL CONCERNS WHETHER THE CIVIL RIGHTS AMENDMENTS TO CHAPTER 296, AS ENACTED BY THE CITY COUNCIL ON MARCH 18, 1996 AS ORDINANCE #944, SHOULD BECOME EFFECTIVE OR REPEALED; AND

WHEREAS, A REFERENDUM PETITION ON SAID ORDINANCE #944 HAS ALSO BEEN SUBMITTED TO PLACE THE QUESTION OF THE APPROVAL OR REJECTION OF SAID ORDINANCE ON THE NOVEMBER 5, 1996 BALLOT; AND

WHEREAS, IT IS THE DETERMINATION OF THE CITY COUNCIL THAT IN THE BEST INTEREST OF THE ELECTORS, THE STATEMENT OF THE BALLOT QUESTION PRESENTED AT THE END OF BOTH BALLOT PROPOSALS BE IN A CONSISTENT FORM SO THAT AFFIRMATIVE AND NEGATIVE VOTES ON EACH PROPOSAL WILL HAVE THE SAME MEANING;

NOW, THEREFORE, BE IT RESOLVED THAT RESOLUTION #255 OF JUNE 3, 1996 IS AMENDED AS TO THE BALLOT PROPOSAL QUESTION STATEMENT AND THE LANSING CITY COUNCIL HEREBY SUBMITS THE FOLLOWING AMENDED BALLOT LANGUAGE FOR CONSIDERATION ON THE NOVEMBER 5, 1996 BALLOT:

ON MARCH 18, 199 6, THE LANSING CITY COUNCIL VOTED TO PROHIBIT DISCRIMINATION IN EMPLOYMENT PUBLIC ACCOMMODATIONS AND PUBLIC SERVICES ON THE BASIS OF RELIGION, RACE, COLOR, SEX, AGE, HEIGHT, WEIGHT, FAMILIAL STATUS, MARITAL STATUS, ANCESTRY, NATIONAL ORIGIN, SEXUAL ORIENTATION, POLITICAL ORIENTATION, HANDICAP, THE USE OF ADAPTIVE DEVICES OR SOURCE OF INCOME. THE COUNCIL ALSO ADDED THE CATEGORIES OF HEIGHT, WEIGHT, FAMILIAL STATUS, SEXUAL ORIENTATION, AND SOURCE OF INCOME TO THE CITY'S EXISTING PROHIBITION OF DISCRIMINATION IN HOUSING.

SHALL THE LANSING CITY COUNCIL ENACTMENT BECOME EFFECTIVE?

YES NO

BY COUNCILMEMBER BEAL

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS BAUER, BEAL, JONES, LEEMAN, LILLY, NOVAK

NAYS: COUNCILMEMBERS ALLEN, BENAVIDES

RESOLUTION #399
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, THE ADMINISTRATION HAS RECOMMENDED A POLICY TO ADDRESS THE ISSUE OF EXTRAORDINARY PARKING CHARGES FOR THE PURPOSE OF DISTRIBUTION TO SPECIAL EVENT SPONSORS; AND

WHEREAS, THE RECOMMENDED POLICY HAS BEEN REVIEWED BY THE WAYS AND MEANS COMMITTEE; AND

WHEREAS, THE WAYS AND MEANS COMMITTEE RECOMMENDS ADOPTION OF THE RECOMMENDED POLICY; AND

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NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby adopts the following policy:

1. That the Lansing Municipal Parking System may support festivals and special events in downtown Lansing by charging for parking between 6:00 a.m. and 9:00 p.m. on weekends and holidays, and to assist with and control parking demands during periods of time when parking is usually free; and

2. That a $3.00 per vehicle parking fee may be charged during these periods to all parkers except monthly permit holders and those who are reporting to work for Michigan Bell, the Board of Water and Light or the Lansing Police Department; and

3. That the parking facilities will be operated during these periods; and

4. That all operating costs will be recovered except that revenue lost from capped meters not be charged against Riverfest; and

5. That the funds remaining after cost recovery be awarded to the agency sponsoring the festival or special event (Capital City Riverfest); and

6. That the specific facilities covered by this policy shall, be the North and South Capitol Parking Garages, North and South Grand Parking Garages, and Cedar-Larch corridor; lot #6 on Grand at Kalamazoo, #15 S. Michigan Avenue and #37 at the Lansing Center.

7. That liability coverage shall be provided by sponsoring organizations as reviewed by the City Attorney and filed with the City Clerk; and

8. That the types of organizations and/or events covered by this policy shall be non-profit organizations who's primary purpose is to conduct a public festival (s) which provides publicity for the community through the promotion and offering of recreation, entertainment, enrichment and cultural activities with the anticipation that said festival (s) shall require parking garages and lots; and

9. That approval for the implementation of this policy may be provided only by City Council upon the recommendation by the Mayor for specific festival (s) or special events.

By Councilmember Beal

Carried unanimously

RESOLUTION #400
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, to whom was referred the proposed ordinance to amend Section 1 (a) of Ordinance No. 354 to change the name of the parent company of the grantee of the cable television franchise granted thereby from Continental Cablevision, Inc., to U.S. West, Inc., because of the merger of these companies,

REPORTS AS FOLLOWS: The Committee of the Whole reviewed several issues regarding the merger and its aftermath with a representative of U.S. West, Inc., and recommends that the ordinance be adopted, signaling this Councils approval of the merger.

BY COUNCILMEMBER BENAVIDES

To discharge the Committee on General Services from consideration of the matter of the Merger of Continental Cablevision of Michigan and U.S. West

CARRIED UNANIMOUSLY

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Novak dissenting)

RESOLUTION #401
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, on April 29, 1974, this Council granted a non-exclusive cable television franchise to Continental Cablevision of Lansing, Inc., a wholly-owned subsidiary of Continental Cablevision, Inc.; and

WHEREAS, subsequently the franchise grantee changed its name to Continental Cablevision of Michigan, Inc., and the City Council approved extensions of the franchise until April 29, 2004; and

WHEREAS, the parent corporation has agreed to merge with U.S. West, Inc., a Delaware corporation that provides local exchange telephone service to the states of Washington, Oregon, Idaho, Montana, North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Wyoming,

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Colorado, Arizona, Utah, and New Mexico, and which has cable television franchises serving more than 500,000 subscribers in the greater Atlanta area; and

WHEREAS, the effect of the merger will be a transfer of control over the grantee, Continental Cablevision of Michigan, Inc., to U.S. West, Inc., or a wholly-owned subsidiary of U.S. West, Inc. from Continental Cablevision, Inc., which will cease to exist; and

WHEREAS, Section 8-201.5 of the City Charter requires that a franchise for the use of the streets or other public places of the City may not be sold or transferred in any manner nor may a party other than the grantee use the franchise, unless the City consents by ordinance; and

WHEREAS, the Committee on General Services has reviewed reports from the Mayor, the Director of Public Service, the City Attorney, and the Cable and Telecommunications Advisory Board, all of which determined that U.S. West, Inc., possesses the legal, financial, and technical qualifications to own and operate cable television systems; and

WHEREAS, the Committee of the Whole has recommended that the transfer of control be approved; and

WHEREAS, U.S. West, Inc., has orally acknowledged acceptance and guarantee of the franchise obligations and commitments on behalf of itself or its wholly-owned subsidiary, which acceptance and guarantee will be confirmed in writing in a form to be approved by the City Attorney;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves and accepts said Acceptance and Guarantee of Cable Television Franchise, and authorizes the Mayor to execute the written document, after approval by the City Attorney on behalf of the City; and

BE IT FINALLY RESOLVED said Acceptance and Guarantee of Cable Television Franchise shall be retained by the Clerk with other active cable television franchise files.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Novak dissenting)

RESOLUTION #402

RESOLVED BY THE CITY COUNCIL

That the following FY 97 transfer be approved:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$37,749	Estimated Revenues 410-0-170001-0	Project Play 410-93 3 890-970000-4 822

(Donation from Lansing Educational Advancement Foundation for Project Play units.)

By Councilmember Leeman

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent and unexcused for this vote)

RESOLUTION #403
BY COUNCILMEMBER LEEMAN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated funds in the Community Promotions Account and a Community Use Account for the purpose of assisting with the expenses of community-oriented events; and

WHEREAS, the Capital Area United Way has requested $1,000 in Community Use Funds for the purpose of renting Oldsmobile Park on August 29, 1996, for their 1996 Campaign Kick-off; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes an expenditure of $1,000 from the Community Use Fund as approval of the Capital Area United Way request.

By Councilmember Leeman

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent and unexcused for this vote)

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code

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FOR PROPERTY LOCATED AT:

Z-9-96, 200-202 E. GRAND RIVER AVENUE, "F-1" COMMERCIAL DISTRICT TO "G-1" BUSINESS DISTRICT

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #404
BY COUNCILMEMBER LILLY:
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, SEPTEMBER 16, 1995 AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-9-96, 200-202 E. GRAND RIVER AVENUE, "F-1" COMMERCIAL DISTRICT TO "G-1" BUSINESS DISTRICT

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 1460
HOUSING CODE

BY COUNCILMEMBER NOVAK:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMEND CHAPTER 1460, SECTION 1460.26(B), FOR THE PURPOSE OF FOR CRITERIA FOR SCHEDULING OF INSPECTION OF DWELLINGS, WAS INTRODUCED BY COUNCILMEMBER NOVAK AND REFERRED TO THE COMMITTEE ON PUBLIC SAFETY.

RESOLUTION #405
RESOLUTION SETTING PUBLIC HEARING

BY COUNCILMEMBER NOVAK
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING,

THAT A PUBLIC HEARING BE SET FOR MONDAY, SEPTEMBER 9, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMEND CHAPTER 1460, SECTION 1460.26(B) FOR THE PURPOSE OF FOR CRITERIA FOR SCHEDULING OF INSPECTION OF DWELLINGS

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

BY COUNCILMEMBER NOVAK

CARRIED UNANIMOUSLY

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING(3 THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-03-96, PART OF 330 CLOVERLAND, BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING; THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-03-96, PART OF 330 CLOVERLAND, BE NOW PASSED

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

ORDINANCE #2400

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE DISTRICT MAPS ADOPTED BY AND

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INCORPORATED AS SECTION 1246.02 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO PROVIDES FOLLOWS:

TO CHANGE THE ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS FOLLOWS:

CASE NUMBER: Z-3-96, PART OF 330 CLOVERLAND

PARCEL NUMBER: 3301-33-453-141

LEGAL DESCRIPTION: THE EAST 50.5 FT. OF LOT 15, CLOVERLAND SQUARE, CITY OF LANSING, INGHAM COUNTY, MICHIGAN FROM "ALL RESIDENTIAL DISTRICT TO 'IF" COMMERCIAL DISTRICT

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING) THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-07-96, 401 W. HOLMES RD., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-07-96, 401 W. HOLMES RD., BE NOW PASSED

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

ORDINANCE #2401

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE DISTRICT MAPS ADOPTED BY AND INCORPORATED AS SECTION 1246.02 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO PROVIDE AS FOLLOWS:

TO CHANGE THE ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS FOLLOWS:

CASE NUMBER: Z-7-96, 401 W. HOLMES RD.

PARCEL NUMBER: PART OF 3301-33-126-002

LEGAL DESCRIPTION: COMMENCING AT A POINT 397 FT. SOUTH AND 16.5 FT. EAST OF THE N 1/8 POST OF THE NW ' SEC 33, THENCE S 264 FT., THENCE E 329.5 FT., THENCE N 264 FT., THENCE W 329.5 FT. TO THE POINT OF BEGINNING, CITY OF LANSING, INGHAM COUNTY, MICHIGAN IT

FROM "J" PARKING TO "B" RESIDENTIAL DISTRICT

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE OF THE WHOLE

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 290, CONFLICTS OF INTEREST (THE ETHICS ORDINANCE) FOR THE PURPOSE OF DECLARING PUBLIC OFFICE AND PUBLIC - EMPLOYMENT TO BE A PUBLIC TRUST INVOLVING A

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FIDUCIARY DUTY, TO ESTABLISH A COMPLAINT PROCEDURE APPLICABLE TO THE BOARD OF ETHICS, TO DEFINE CERTAIN PROHIBITED TRANSACTIONS, TO REGULATE THE PARTICIPATION IN GOVERNMENT DECISIONS; TO PROVIDE FOR FINANCIAL DISCLOSURE BY ELECTED AND APPOINTED OFFICIALS, TO ADOPT GIFT REGULATIONS, TO REQUIRE LOBBYIST DISCLOSURE BY CITY OFFICERS AND EMPLOYEES, TO PROVIDE FOR EDUCATION CONCERNING THE PROVISIONS OF THIS CHAPTER AND TO PROVIDE WHISTLE BLOWER PROTECTION, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE OF THE WHOLE

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 290, CONFLICTS OF INTEREST (THE ETHICS ORDINANCE) FOR THE PURPOSE OF DECLARING PUBLIC OFFICE AND PUBLIC EMPLOYMENT TO BE A PUBLIC TRUST INVOLVING A FIDUCIARY DUTY, TO ESTABLISH A COMPLAINT PROCEDURE APPLICABLE TO THE BOARD OF ETHICS, TO DEFINE CERTAIN PROHIBITED TRANSACTIONS, TO REGULATE THE PARTICIPATION IN GOVERNMENT DECISIONS; TO PROVIDE FOR FINANCIAL DISCLOSURE BY ELECTED AND APPOINTED OFFICIALS, TO ADOPT GIFT REGULATIONS, TO REQUIRE LOBBYIST DISCLOSURE BY CITY OFFICERS AND EMPLOYEES, TO PROVIDE FOR EDUCATION CONCERNING THE PROVISIONS OF THIS CHAPTER AND TO PROVIDE WHISTLE BLOWER PROTECTION, BE NOW PASSED.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

ORDINANCE NO. 953
CITY OF LANSING
ETHICS ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 290, CONFLICTS OF INTEREST, OF THE CODIFIED ORDINANCES OF LANSING, MICHIGAN, 1988, TO RETITLE THE CHAPTER "ETHICS"; TO DECLARE PUBLIC OFFICE AND PUBLIC EMPLOYMENT AS A PUBLIC TRUST INVOLVING A FIDUCIARY DUTY; TO ESTABLISH A COMPLAINT PROCEDURE APPLICABLE TO THE BOARD OF ETHICS; TO DEFINE CERTAIN PROHIBITED TRANSACTIONS; TO REGULATE THE PARTICIPATION IN GOVERNMENT DECISIONS; TO PROVIDE FOR FINANCIAL DISCLOSURE BY ELECTED AND APPOINTED OFFICIALS; TO ADOPT GIFT REGULATIONS; TO REQUIRE LOBBYIST DISCLOSURE BY CITY OFFICERS AND EMPLOYEES; TO PROVIDE FOR EDUCATION CONCERNING THE PROVISIONS OF THIS CHAPTER; AND TO PROVIDE WHISTLEBLOWER PROTECTION.

The City of Lansing Ordains:

Section One. That Chapter 290 of the Code of the City of Lansing, be and hereby is amended to read as follows:

CHAPTER 290
ETHICS

290.1 DECLARATION OF PURPOSE; FINDINGS.

The People of the City of Lansing declare public office and public employment are held as a public trust and any effort to realize personal gain through official conduct is a violation of that trust. It is the finding of Council that all city officers and employees are trusted with public functions for the good of the public, that their official powers are fiduciary and are to be used to protect, advance and promote the public interest and not their own; that the people of the City want legislation to ensure that conflicts of interest of officers and employees are eliminated to the fullest extent possible and that violations of rules of ethical conduct are appropriately corrected.

290.2 DEFINITIONS.

As used in this chapter:

(a) Board of Ethics" means the Board of Ethics created under Chapter 5 of Article V of the City Charter.

(b) "Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or entity, excluding a municipal corporation or governmental entity.

(c) "Business with which an individual is associated" means a business in which any of the following applies:

(1) The individual is an owner, partner, director, officer or employee;

(2) A member of the individual's immediate family is an owner, partner, director or officer;

(3) The individual or a member of the individual's immediate family is a stockholder of close corporation stock which is worth at least one thousand dollars ($1,000) at fair market value or which represents more than a five percent equity interest; or

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(4) The individual or a member of the individual's immediate family is a stockholder of publicly traded stock which is worth at least twenty-five thousand dollars ($25,000) at fair market value or which represents more than ten percent equity interest, other than publicly traded stock under a trading account if the individual reports the name and address of the stockholder.

(d) "Business with which an officer, employee or candidate is associated" means a business with which the individual is associated.

(e) "Candidate" means an individual who is a candidate for city office, as defined in Public Act 388 of 1976, as amended, being M.C.L.A. 169.201 through 169.282.

(f) "Child" means a son or daughter, whether or not the son or daughter is the natural offspring of the legal parent or parents and whether or not the son or daughter is financially dependent on the parent or parents.

(g) "Confidential information" means information which has been obtained in the course of holding office or employment with the City, and which information is not available to members of the public under the Freedom of Information Act or other law or regulation and which the employee or officer has been instructed is being held confidentially. Any information which is disclosed in a meeting open to the public is deemed not to be confidential.

(h) "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value, made without the exchange of reasonable consideration. Gift does not include anything of value received as a devise, bequest or inheritance or a loan or credit arrangement made according to reasonable and prevailing rates and terms, and which does not discriminate against or in favor of an individual who is an officer or employee because of such individual's status as an officer or employee. "Gift" does not include a contribution or expenditure required to be recorded or reported pursuant to Public Act 388 of 1976, as amended, being M.C.L.A. 169.201 to 169.282. "Gift" does not include a gift received from one or more of the following:

(1) A relative within the fifth degree of consanguinity, under the civil law computation method, to the officer or employee, or the spouse of such a relative; or

(2) A spouse of the officer or employee, or a spouse's relative within the fifth degree of consanguinity to the spouse, under the civil law computation method.

(i) "Governmental body" means an authority, department, commission, committee, council, board, bureau, division, office, legislative body or other agency (as defined in the City Charter) of the City.

(j) "Immediate family" means a child of an individual, a spouse of an individual, or an individual claimed by that individual or individual's spouse as a dependent under the Internal Revenue Code, or the parents, parents-in-law, brothers, sisters, sisters-in-law, brothers-in-law, stepparents, stepbrothers or stepsisters of an individual.

(k) "Loan" means a transfer of money, property or anything else of ascertainable monetary value in exchange for an obligation, conditional or not, to repay in whole or in part.

(l) "Officer or employee" means an elected or appointed officer or an employee of a governmental body of the City.

290.03 COMPLAINTS.

(a) Any person may file a signed written complaint with the City Clerk alleging a violation of Chapter 5 of Article V of the City Charter or of this chapter. Upon receipt of such a complaint, the City Clerk shall simultaneously forward the complaint to the Board of Ethics, the person named in the complaint and the City Attorney. The City Attorney shall provide the Ethics Board with a preliminary written analysis of the complaint no later than thirty (30) days from the date the complaint was filed with the City Clerk. At the next regular meeting following receipt of the City Attorney's analysis, the Board of Ethics shall review and consider the complaint and the City Attorney's analysis. At any time after such review and consideration, the Board of Ethics may do any of the following:

(1) Request the City Attorney to investigate the complaint and report all findings back to the Board; or

(2) Schedule the complaint for further review and consideration, or

(3) Refer the complaint to the City Attorney for criminal prosecution consideration; or

(4) Issue such reports; opinions and findings as the Board deems advisable under the circumstances and in accordance with the City Charter and ordinances; or

(5) Dismiss the complaint based on any of the following grounds:

(a) Lack of jurisdiction in the Board of Ethics;

(b) Failure of the complaint to state a claim of a violation of the Ethics provisions contained in the Charter, law or ordinances;

(c) Failure of the complainant to cooperate in the Ethic Board's review and consideration of the complaint; or

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(6) Take such other action which the Board deems necessary and as authorized by the Charter or Ordinance.

(a) Pursuant to Michigan Compiled Laws 15.243(8)(l) and (ll), each complaint shall remain confidential until the meeting at which the Board of Ethics receives the analysis of the City Attorney. Continued confidentiality of the complaint and any material resulting from the Board's review and consideration shall be determined on a case-by-case basis in accordance with the Michigan Freedom of Information Act or any successor law.

(b) No person shall knowingly make a false or misleading statement in any complaint filed with the City Clerk pursuant to this Chapter.

(c) Except in the case of dismissal under Section 290.03(a)(5)(a and b), the Board of Ethics shall not issue an opinion on any complaint without providing the person(s) charged with written notice of a complaint and a reasonable opportunity to be heard before the Board.

290.04 PROHIBITIONS.

(a) No person, including any administrative board established under Article V, Chapter 2 of the City Charter, shall directly or indirectly offer or give to any officer, employee or candidate; a member of the immediate family of any officer, employee or candidate; or a business with which any officer, employee or candidate is associated any gift, loan, money, goods, services, contribution, reward, employment or other thing of value based on an agreement or understanding that a vote or official action or decision of an officer, employee or candidate would be influenced thereby.

(b) No officer, employee or candidate, a member of the immediate family of an officer, employee or candidate, or a business with which an officer, employee or candidate is associated shall directly or indirectly solicit or accept any payment, gift, loan, contribution, money, goods, services, reward, employment or other thing of value based on any agreement or understanding with a person, including any administrative board established under Article V, Chapter 2 of the City Charter, that a vote or official action or decision of an officer, employee or candidate would be influenced thereby.

(c) It shall be presumed that a non-monetary gift having a value of less than $50 does not evidence a violation of paragraphs (a)and (b) of this Section or of Code Section 206.15. Paragraphs (a) and (b) of this Section do not prohibit communication between an individual or organization and a candidate regarding the candidate's views, record or plans for future action regarding an issue or measure in an attempt to determine a candidate's viewpoints or how the candidate plans to act in the future, if such communication results in an endorsement of the candidate, a decision not to endorse the candidate, or a contribution or expenditure required to be recorded or reported under Public Act 388 of 1976, as amended.

(d) No officer or employee shall falsely represent his or her personal opinion to be the official position or determination of the governmental body of which he or she is a member or employee. This subsection shall not apply to statements by elected officials made in the course of fulfilling the responsibilities of their office or in running for election to office, nor shall it apply to the professional opinions of City officers or employees rendered in the course of performing their duties, provided that such opinions are clearly identified as professional opinions.

(e) No officer or employee shall divulge to any unauthorized person confidential information acquired in the course of holding his or her position in advance of the time prescribed by the governmental body of which he or she is a member or employee for its authorized release to the public.

(f) No officer or employee shall use, or allow others to use, the authority, title, or prestige of his or her public office for the attainment of the officer or employee's, or that of a member of his or her immediate family's, private financial benefit in any manner that is inconsistent with public interests.

(g) An officer or employee shall not use personnel, resources, property or funds under his or her official care and control to obtain personal financial gain in addition to his or her official remuneration as an officer or employee for himself or herself, a member of his or her immediate family, or a business with which either is associated. (h) No officer or employee shall act as an attorney, agent or representative of a person other than himself or herself, before the governmental body of which such officer or employee is a member or employee. This provision shall not prevent an officer or employee from performing his or her responsibilities as an officer or employee.

(i) No officer or employee shall act on behalf of the City by making any policy statements, promising to authorize or to prevent any future action, agreement or contract, when such officer or employee has, in fact, no authority to do so.

(j) No officer or employee shall engage in a business transaction in which the officer, employee, a member of his or her immediate family, or a business with which either is

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ASSOCIATED, MAY PROFIT FROM HIS OR HER OFFICIAL POSITION OR AUTHORITY, OR BENEFIT FINANCIALLY FROM CONFIDENTIAL INFORMATION WHICH THE OFFICER OR EMPLOYEE HAS OBTAINED OR MAY OBTAIN BY REASON OF THAT POSITION OR AUTHORITY. THIS SUBSECTION SHALL NOT PROHIBIT EMPLOYMENT OR A CONTRACT TO CONDUCT INSTRUCTION WHICH IS NOT DONE DURING REGULARLY SCHEDULED WORKING HOURS, EXCEPT FOR ANNUAL LEAVE OR VACATION TIME, IF THE OFFICER OR EMPLOYEE DOES NOT HAVE ANY DIRECT DEALING WITH OR INFLUENCE ON THE EMPLOYING OR CONTRACTING PERSON OR ENTITY IN PERFORMING HIS OR HER OFFICIAL DUTIES FOR THE CITY.

(K) EXCEPT AS OTHERWISE PROVIDED BY LAW, NO OFFICER OR EMPLOYEE SHALL PARTICIPATE IN, VOTE UPON OR ACT UPON, CONTRACTS, THE MAKING OF LOANS OR GRANTS OF PUBLIC FUNDS, THE GRANTING OF SUBSIDIES, FIXING OR RATES, ISSUANCE OF PERMITS OR CERTIFICATES, OR OTHER REGULATION OR SUPERVISION RELATING TO ANY BUSINESS IN WHICH THE OFFICER OR EMPLOYEE, OR A MEMBER OF HIS OR HER IMMEDIATE FAMILY, OR ANY BUSINESS WITH WHICH EITHER IS ASSOCIATED HAS A FINANCIAL OR PERSONAL INTEREST, OTHER THAN AN INTEREST AS A CITIZEN, OFFICER OR EMPLOYEE OF THE CITY.

(L) IN ADDITION TO THE PROVISIONS SET FORTH IN CHARTER SECTION 5-505.1, NO OFFICER OR EMPLOYEE, SHALL FAIL TO DISCLOSE IN WRITING TO THE BOARD OF ETHICS A CONFLICT OF INTEREST OR ANY FINANCIAL INTEREST OTHER THAN AS A CITIZEN OF THE CITY IN ANY MATTER PRIOR TO ANY ACTION BY THE CITY IN THAT MATTER. NOTHING IN THIS SECTION SHALL PROHIBIT THE REQUEST OF AN INFORMAL OPINION BY AN OFFICER OR EMPLOYEE FROM THE ETHICS BOARD REGARDING A POTENTIAL CONFLICT OF INTEREST. NEITHER THE FILING OF A REQUEST FOR AN INFORMAL OPINION, NOR THE MAKING OF A STATEMENT CONCERNING A POTENTIAL CONFLICT OF INTEREST PURSUANT TO SECTION 290.05(A), SHALL CREATE A PRESUMPTION OR INFERENCE THAT AN OFFICER OR EMPLOYEE ACTUALLY HAS A CONFLICT OF INTEREST CONCERNING THE MATTER FILED WITH THE ETHICS BOARD OR DISCLOSED ON THE PUBLIC RECORD.

(M) NO PERSON SHALL DIRECTLY OR INDIRECTLY SOLICIT, AGREE, AID OR ASSIST ANY OFFICER OR EMPLOYEE TO VIOLATE THIS CHAPTER.

(N) THE PROVISIONS AND PROHIBITIONS SET FORTH IN THIS SECTION 290.04 SHALL NOT BE CONSTRUED TO PROHIBIT OR RESTRICT CITY EMPLOYEES FROM NEGOTIATING, ENTERING INTO OR ENFORCING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND A LABOR UNION TO WHICH THE EMPLOYEE BELONGS PURSUANT TO STATE OR FEDERAL LAW.

(O) THE PROVISIONS AND PROHIBITIONS SET FORTH IN THIS SECTION 290.04 ARE SUBJECT TO THE APPLICABLE PROVISIONS AND PROCEDURES OF THE STATE STATUTE ENTITLED "CONTRACTS OF PUBLIC SERVANTS WITH PUBLIC ENTITIES", BEING MCL 15.321, ET SEQ. AS THE SAME MAY BE AMENDED FROM TIME TO TIME. IN THE EVENT OF A CONFLICT BETWEEN THIS SECTION 290.04 AND THE STATE STATUTE IN ANY PARTICULAR CASE, THE STATE STATUTE SHALL PREVAIL.

290.05 PARTICIPATION IN GOVERNMENTAL DECISIONS.

(A) A MEMBER OF CITY COUNCIL WHO IS REQUIRED TO MAKE A MOTION TO RECUSE HERSELF/HIMSELF, OR WHO IS THE SUBJECT OF A MOTION TO RECUSE HERSELF/HIMSELF, ON ANY QUESTION BEFORE THE COUNCIL SHALL, BEFORE THE MATTER IS BROUGHT TO A VOTE, FIRST MAKE A DISCLOSURE FOR THE PUBLIC RECORD TO THE COUNCIL PRESIDENT OF THE CONFLICT OF INTEREST OR THE FINANCIAL INTEREST OTHER THAN AS A CITIZEN OF THE CITY, IF ANY, OR ALTERNATIVELY EXPLAINING WHY, DESPITE ANY POTENTIAL CONFLICT, SUCH MEMBER OF COUNCIL IS ABLE TO VOTE AND OTHERWISE PARTICIPATE FAIRLY, OBJECTIVELY AND IN THE PUBLIC INTEREST. A STATEMENT SHALL BE ENTERED IN FULL IN THE MINUTES OR OTHER OFFICIAL RECORD OF THE LEGISLATIVE BODY. THE CLERK SHALL FORTHWITH FORWARD ANY SUCH STATEMENT ON TO THE ETHICS BOARD. COMPLIANCE WITH THE PROVISIONS OF THIS SECTION 290.05(A) BY AN ELECTED OFFICIAL SHALL BE DEEMED COMPLIANCE WITH SECTION 290.04(L).

(B) THE PROVISIONS AND PROHIBITIONS SET FORTH IN THIS SECTION 290.05 SHALL NOT BE INTERPRETED TO PROHIBIT OR RESTRICT AN EMPLOYEE FROM ENGAGING IN NEGOTIATIONS, APPROVAL AND ENFORCEMENT OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND A LABOR UNION TO WHICH THE EMPLOYEE BELONGS PURSUANT TO STATE AND FEDERAL LAWS

(C) THE PROVISIONS AND PROHIBITIONS SET FORTH IN THIS SECTION 290.05 ARE SUBJECT TO THE APPLICABLE PROVISIONS AND PROCEDURES OF THE STATE STATUTE ENTITLED CONTRACTS OF PUBLIC SERVANTS WITH PUBLIC ENTITIES BEING MCL 15.321, ET SEQ., AS THE SAME MAY BE AMENDED FROM TIME TO TIME. IN THE EVENT OF A CONFLICT BETWEEN THIS SECTION 290.05 AND THE STATE STATUTE IN ANY PARTICULAR CASE, THE STATE STATUTE SHALL PREVAIL.

290.06 INVESTIGATIVE ASSISTANCE.

ALL CITY OFFICERS AND EMPLOYEES SHALL FULLY AND TRUTHFULLY RESPOND TO ANY INQUIRIES BY THE CITY ATTORNEY OR THE BOARD OF ETHICS IN INVESTIGATING ANY COMPLAINT OF A VIOLATION OF THIS CHAPTER. ALL CITY EMPLOYEES AND ELECTED OR APPOINTED OFFICIALS OF THE CITY SHALL COOPERATE WITH ANY INVESTIGATIONS BY THE BOARD OF ETHICS; SUCH COOPERATION SHALL INCLUDE THE COMPILATION AND PRODUCTION OF ANY INFORMATION REQUESTED BY THE BOARD DURING AN INVESTIGATION UNLESS THE INFORMATION REQUESTED IS EXEMPT FROM DISCLOSURE UNDER THE APPLICABLE STATE LAW.

290.07 DISTRIBUTION OF COPIES OF CHAPTER.

THE DEPARTMENT OF PERSONNEL AND TRAINING SHALL PROVIDE A COPY OF CHAPTER 5 ARTICLE V OF THE

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City Charter and of this chapter to each officer and employee of the City.

290.08 STATEMENTS OF FINANCIAL INTERESTS.

(a) For purposes of this Section, the following persons shall be referred to as "reporting individuals":

(1) Each elected officer and

(2) Each appointed officer, including appointed officers of the Board of Water and Light, but excluding members of boards, commissions or agencies of the city.

(b) Each reporting individual shall file by May 1 of each year, a sworn written statement of financial interests in accordance with the provisions of this Section, unless (s)he has already filed a statement in that calendar year.

(c) Statements of financial interest shall also be filed by the following:

(1) An elected officer at the time of filing her/his oath of office;

(2) A reporting individual whose appointment to office is subject to confirmation by the City Council at the time when her/his name is submitted to the Council for consideration;

(3) Any other person at the time (s)he becomes a reporting individual.

(d) The Department of Personnel Services, the Finance Director's Office, City Council Staff and the Office of the Mayor shall cooperate with the City Clerk in notifying individuals of their obligation to file statements of financial interests and in effecting the filing of such statements.

(e) No appointed officer or employee shall be allowed to take the oath of office of shall enter into or continue her/his duties, unless (s)he has filed a statement of financial interests as required by this Chapter.

(f) Statements of financial interests shall contain the following information:

(1) The name, address, and type of organization (other than the city) in which the reporting individual was an officer, director, associate, partner, proprietor or employee, or served in any advisory capacity, and from which any income in excess of $2,500 was derived during the preceding year.

(2) The identity of any capital asset, located within the City of Lansing, including the address or legal description of real estate from which the reporting individual realized a capital gain of $5,000 or more in the preceding calendar year other than the sale of the reporting individual's principal place of residence.

(3) The name of any unit of government, other than the city, which employed the reporting individual during the preceding calendar year.

(4) The name of any person, business or organization from whom the reporting individual received during the preceding calendar year one or more gifts or honoraria having an aggregate value in excess of $500, but not including gifts from relatives, nor a campaign contribution or expenditure required to be recorded or reported under Public Act 388 of 1976, as amended.

(5) The name and instrument of ownership in any entity conducting business in the city, in which the reporting individual, or a member of the individual's immediate family had a financial interest during the preceding calendar year. Ownership interests in publicly held corporations need not be disclosed.

(6) The identity of any financial interest in real estate located in the city or other jurisdictions within which the city may own real estate or public utility improvements, other than the principal place of residence of the reporting individual, and the address or, if none, the legal description of the real estate, including all forms of direct or indirect ownership such as partnerships or trusts of which the corpus consists primarily of real estate.

(7) The name of, and the nature of the city action requested by, any person which has applied to the city for any license or franchise, or any permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the reporting individual or a member of the individual's immediate family has a financial interest in such person.

(8) The name of any person doing independent contracting business with the city in relation to which business the reporting individual had a financial interest during the preceding calendar year, and the title or description of any position held by the reporting individual in such person.

(g) Form for statement of financial interests. Typewritten or printed statements of financial interests are to be filed with the City Clerk the statement shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form approved by the Board of Ethics.

(h) Filing of Statements.

(1) The City's Finance Director and the Personnel Director shall certify to the City Clerk a list (current as of the prior

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JANUARY 1) OF THE NAMES AND MAILING ADDRESSES OF THE PERSONS WHO ARE REQUIRED TO FILE A STATEMENT OF FINANCIAL INTERESTS IN THE CURRENT YEAR.

(2) THE CITY CLERK SHALL, IN WRITING, NOTIFY ALL PERSONS REQUIRED TO FILE STATEMENTS OF FINANCIAL INTERESTS UNDER THIS SECTION. NOTICE SHALL BE DELIVERED BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS APPEARING IN CITY RECORDS.

(3) ALL STATEMENTS OF FINANCIAL INTERESTS SHALL BE AVAILABLE FOR EXAMINATION AND DUPLICATION BY THE PUBLIC IN THE OFFICE OF THE CITY CLERK DURING THE REGULAR BUSINESS HOURS OF THE CITY OF LANSING, EXCEPT AS OTHERWISE PROVIDED BY LAW. COSTS OF DUPLICATING THE STATEMENT OF FINANCIAL INTERESTS SHALL BE PAID BY THE PERSON REQUESTING THE DUPLICATION.

(4) NO PERSON SHALL USE FOR ANY COMMERCIAL PURPOSE INFORMATION CONTAINED IN OR COPIED FROM STATEMENTS OF FINANCIAL INTERESTS REQUIRED TO BE FILED BY THIS CHAPTER OR FROM LISTS COMPILED FROM SUCH STATEMENTS.

(I) FAILURE TO FILE STATEMENTS BY DEADLINE

(1) THE CITY CLERK SHALL NOTIFY ANY PERSON WHO FAILS TO FILE SUCH A STATEMENT BY MAY 1 OF EACH YEAR, BY CERTIFIED MAIL OF HER/HIS FAILURE TO FILE BY THE SPECIFIED DATE. SUCH PERSON SHALL FILE HER/HIS STATEMENT ON OR BEFORE MAY 31, ALONG WITH A LATE FILING FEE OF $20.00. FAILURE TO FILE BY MAY 31 SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER, EXCEPT AS PROVIDED IN SUBSECTION (3).

(2) ANY PERSON WHO FIRST BECOMES SUBJECT TO THE REQUIREMENT TO FILE A STATEMENT OF FINANCIAL INTERESTS WITHIN 30 DAYS PRIOR TO MAY 1 OF ANY YEAR SHALL BE NOTIFIED AT THAT TIME BY THE APPOINTING OR EMPLOYING AUTHORITY OF THE OBLIGATION TO FILE AND SHALL FILE HIS STATEMENT AT ANY TIME ON OR BEFORE MAY 31 WITHOUT PENALTY. THE APPOINTING OR EMPLOYING AUTHORITY SHALL NOTIFY THE CITY CLERK OF THE IDENTITY OF SUCH PERSONS. IF SUCH PERSON FAILS TO FILE A STATEMENT BY MAY 31, THE CITY CLERK SHALL NOTIFY SUCH PERSON BY CERTIFIED MAIL OF HER/HIS FAILURE TO FILE BY THE SPECIFIED DATE. SUCH PERSON SHALL FILE HER/HIS STATEMENT OF FINANCIAL INTERESTS ON OR BEFORE JUNE 15, ALONG WITH A LATE FILING FEE OF $20.00. FAILURE TO FILE BY JUNE 15 SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER, EXCEPT AS PROVIDED IN SUBSECTION (3).

(3) A PERSON WHO IS REQUIRED TO FILE SUCH STATEMENTS OF FINANCIAL INTEREST MAY HAVE ONE THIRTY DAY FILING EXTENSION BY FILING A NOTICE WITH THE CITY CLERK BY THE DATE ON WHICH THE STATEMENT OF FINANCIAL INTEREST IS DUE. FAILURE TO FILE BY THE EXTENDED DEADLINE SHALL CONSTITUTE A VIOLATION OF THIS CHAPTER.

(4) A STATEMENT OF FINANCIAL INTEREST IS CONSIDERED FILED WHEN IT IS RECEIVED BY THE CITY CLERK.

290.09 LOBBYIST AND CONTRACTOR DISCLOSURE.

(A) ALL CITY OFFICERS AND EMPLOYEES SHALL COMPLY WITH THE PROVISIONS OF MCL 4.411, ET SEQ., AS THE SAME MAY BE AMENDED FROM TIME TO TIME, BEING THE STATE ACT REGULATING LOBBYISTS, LOBBYING AGENTS, AND LOBBYING ACTIVITIES, TO THE EXTENT THAT THE STATUTORY PROVISIONS ARE APPLICABLE TO THE OFFICERS OR EMPLOYEES ACTIVITIES.

(B) ALL CONTRACTORS OR VENDORS HAVING CONTRACTUAL RELATIONSHIPS OR OPEN PURCHASE ORDERS WITH THE CITY SHALL FULLY DISCLOSE IN WRITING TO THE CITY CLERK AND THE BOARD OF ETHICS THE EXISTENCE OF ANY EMPLOYMENT, PARTNERSHIP OR OWNERSHIP RELATIONSHIP THE CONTRACTOR OR VENDOR HAS WITH A FORMER EMPLOYEE OR OFFICER OF THE CITY IF SUCH RELATIONSHIP WAS CREATED WITHIN ONE YEAR FROM THE DATE THE OFFICER OR EMPLOYEE TERMINATED EMPLOYMENT WITH THE CITY.

(C) THE PROVISION CONTAINED IN SECTION 290.09(B) SHALL BE INCLUDED WITHIN EVERY CITY CONTRACT AND PURCHASE ORDER.

290.10 PENALTIES.

(A) VIOLATION BY ANY PERSON OF ANY PROVISION OF THIS CHAPTER SHALL BE A MISDEMEANOR

(B) A VIOLATION OF ANY PROVISION OF THIS CHAPTER MAY CONSTITUTE A GROUND FOR FORFEITURE OF OFFICE IN PROCEEDINGS BROUGHT PURSUANT TO CHARTER 2-302.

(C) THE PENALTIES PRESCRIBED IN THIS SECTION SHALL BE CUMULATIVE AND NOT EXCLUSIVE OF EACH OTHER.

290.11 EDUCATION.

THE BOARD OF ETHICS SHALL DEVELOP A PLAN FOR IMPLEMENTATION OF A PROGRAM TO EDUCATE PERSONS SUBJECT TO THE TERMS OF THIS CHAPTER ABOUT THEIR DUTIES AND RESPONSIBILITIES HEREUNDER.

290.12 WHISTLE-BLOWER PROTECTION.

(A) THE PROVISIONS OF THE WHISTLE-BLOWER'S PROTECTION ACT MCL 15.361, ET SEQ. ARE INTENDED TO APPLY TO EMPLOYEES WHO REPORT A VIOLATION OR SUSPECTED VIOLATION OF THIS CHAPTER.

(B) THE CITY SHALL NOT DISCHARGE, THREATEN, OR OTHERWISE DISCRIMINATE AGAINST AN EMPLOYEE REGARDING THE EMPLOYEE'S COMPENSATION, TERMS, CONDITIONS, LOCATION, OR PRIVILEGES OF EMPLOYMENT BECAUSE THE EMPLOYEE, OR A PERSON ACTING ON

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BEHALF OF EMPLOYEE, REPORTS OR IS ABOUT TO REPORT, OR IS PERCEIVED TO HAVE REPORTED OR BE ABOUT TO REPORT, VERBALLY OR IN WRITING, A VIOLATION OR SUSPECTED VIOLATION OF THIS CHAPTER, UNLESS THE EMPLOYEE KNOWS THAT THE REPORT IS FALSE, OR BECAUSE AN EMPLOYEE IS REQUESTED BY THE CITY, OR ANY AGENCY OR OFFICER THEREOF, TO PARTICIPATE IN AN INVESTIGATION, HEARING, OR INQUIRY HELD BY THE CITY, AGENCY OR OFFICIAL.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THESE PROVISIONS ARE REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

SECTION 5. THIS ORDINANCE SHALL EXPIRE 10 YEARS FROM THE DATE OF ITS PASSAGE BY THE CITY COUNCIL UNLESS READOPTED PRIOR TO THAT TIME.

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BEAL

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER BEAL

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON OF THE WHOLE :

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING PARAGRAPH 1(A) OF ORDINANCE #354 FOR THE PURPOSE OF CHANGING THE NAME OF THE PARENT COMPANY OF THE GRANTEE OF THE CABLE TELEVISION FRANCHISE GRANTED BY THE CITY OF LANSING FROM CONTINENTAL CABLEVISION, INC. TO U.S. WEST, INC., BECAUSE OF THE MERGER OF THESE COMPANIES, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON OF THE WHOLE :

BY COUNCILMEMBER BEAL

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING PARAGRAPH 1(A) OF ORDINANCE #354 FOR THE PURPOSE OF CHANGING THE NAME OF THE PARENT COMPANY OF THE GRANTEE OF THE CABLE TELEVISION FRANCHISE GRANTED BY THE CITY OF LANSING FROM CONTINENTAL CABLEVISION, INC. TO U.S. WEST, INC., BECAUSE OF THE MERGER OF THESE COMPANIES, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY

NAYS: COUNCILMEMBER NOVAK

ABSENT: NONE

BY COUNCILMEMBER BEAL

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON IT'S PASSAGE

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (COUNCILMEMBER NOVAK DISSENTING)

ORDINANCE NO. 954

AN ORDINANCE TO AMEND SECTION 1(A) OF ORDINANCE NO. 354 TO CHANGE THE NAME OF THE PARENT COMPANY OF THE GRANTEE OF THE CABLE TELEVISION FRANCHISE GRANTED FROM CONTINENTAL CABLEVISION, INC. TO U.S. WEST, INC. BECAUSE OF THE MERGER OF THESE COMPANIES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT SUBSECTION (A) OF SECTION 1 OF ORDINANCE NUMBER 354 OF THE CITY OF LANSING, ADOPTED APRIL 29, 1974, IS AMENDED TO READ AS FOLLOWS:

(A.) "GRANTEE" SHALL MEAN CONTINENTAL CABLEVISION OF MICHIGAN, INC., A MICHIGAN CORPORATION, A WHOLLY-OWNED SUBSIDIARY OF U.S. WEST, INC., A DELAWARE CORPORATION.

SECTION 2. THAT ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THESE PROVISIONS ARE REPEALED.

SECTION 3. THAT THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

GIVEN IMMEDIATE EFFECT BY MOTION OF COUNCILMEMBER BEAL

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER LILLY; AN APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FROM GENERAL MOTORS CORP. FOR THE LANSING CAR ASSEMBLY, PLANT #6 LOCATED AT 401 VERLINDEN

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Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2. From Councilmember Lilly; an application for Industrial Facilities Exemption Certificate from General Motors Corp. for the Lansing Car Assembly Plant #1, located at 920 Townsend Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3. From Councilmember Novak; a letter from Reverend Lester Stone, Pastor of Friendship Baptist Church inviting Councilmembers and Mayor Hollister to participate in "The March For Justice" to be held on Saturday, September 28, 1996 beginning at J.W. Sexton High School at 9:30 A.M.

RECEIVED AND PLACED ON FILE

4. From Councilmember Novak; a memo from Mayor Hollister submitting a Bond Resolution for the Tollgate Drain CSO Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5. From Councilmember Benavides; a letter from Mayor Hollister recommending the appointment of Judson Werbelow and Joseph Graves Jr. to the Board of Water & Light Board of Commissioners for Terms to Expire June 30, 2000.

REFERRED TO THE COMMITTEE OF THE WHOLE

6. From Councilmember Leeman; a Resolution approving an appropriation from Community Use Funds for a Capital Area United Way Event at Oldsmobile Park

HANDLED AS RESOLUTION #403

7. From Councilmember Leeman; a Resolution approving a Transfer of Funds for Donations to Project Play from LEAF

HANDLED AS RESOLUTION # 402

8. From Councilmember Lilly; Committee Report from the Committee on General Services recommending the adoption of an Ordinance amending Ordinance #354, for the purpose of changing the name of the holder of the Cable Television franchise granted by the City of Lansing.

HANDLED AS RESOLUTION #400

9. From Councilmember Lilly; Ordinance amending Ordinance #354 to change the name of the Parent Company of the Grantee of the Cable Television Franchise Granted by the City of Lansing from Continental Cablevision, Inc. to U.S. West, Inc. because of the merger of these two companies.

HANDLED AS ORDINANCE #954

10. From Councilmember Lilly; Resolution in support of the Merger of U.S. West and Continental Cablevision

HANDLED AS RESOLUTION #401

PUBLIC COMMENTS

William H. Smith of 1501 W. Hillsdale stated a complaint about 6' - 8' pot holes in the street that he lives on.

Russell Terry of 121 E. Mt. Hope said that he is here at the request of Harry Seedlemeyer to ask for help controlling the use of the wooded lot behind K-Mart on S. Cedar St. The City, he said, should at least make K-Mart cut down the tall grasses that make convenient hiding places for young people to hide out in and scare the residents of the nearby senior citizens complex.

Chris Cotter of 2111 Harding Ave. spoke regarding a broadcast interview done with Councilmember Novak on the Stormwater Enterprise Fund. This project will cost the citizens more than the City told them it would, and it will not clean up the rivers as promised.

Mark Eggleston of 4001 Heathgate invited the viewing public to attend the Old Timers Baseball Association Annual dinner to be held at the Marshall Street Armory at 7:00 P.M. this Wednesday night. They will honor three individuals at the dinner, Curly Foster, Kris Nicholoff, and Jake Voss. He commended the Hollister Administration on the successful defense of the lawsuits filed by former Mayor Terry McKane and former City Clerk Jim Blair.

Paul Scott of 412 W. Kilborn commended the Hollister Administration for successfully defending the City against the McKane and Blair lawsuits and for succeeding in taking their early retirement incentive away from them.

Lloyd Teets of 116 E. Elm St. spoke regarding the City's victory in the McKane and Blair lawsuits and warned Councilmembers that the Stormwater Enterprise Fund is just as much of a boondoggle as early retirement was, and will prove to be just as detrimental to Councilmembers who voted for it.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked the Neighborhood

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in Bloom participants and congratulated the Hershey Track and Field contestants. These are both fine programs that the City can be very proud of sponsoring. She complimented the Oldsmobile Division of General Motors for the success of the Car Capital Celebration and Oldsmobile Park for the 500,000, record setting visitor in an inaugural year. She noted that today is Women's Equality Day, the anniversary of the extension of voting rights to women, a historical day too important to allow it to pass without commemoration.

Councilmember Novak spoke regarding the applications by General Motors for Industrial Facilities Exemption Certificates which were referred to the Committee on Ways and Means tonight. He asked the City Attorney to review these applications and to check to make sure that the facility on Verlinden St. has resolved their odor emission problems that have been a big problem to the neighborhood, and if not, to make this a condition of the approval of the exemption certificate. He thanked his colleagues for addressing a great deal of the confusion over the Civil Rights ballot issues, with the adoption of clarifying language tonight. The debate on the merits of this issue, rather than on the content of the language itself, can now begin. He urged the media to take note and to get information out to the voters.

Councilmember Allen announced the cancellation of the regularly scheduled meeting of the Public Safety Committee for this week. She sent her congratulations to General Motors on a very successful Car Capital Celebration and to Oldsmobile Park on the success of the movie event she attended there.

Councilmember Leeman confirmed the regularly scheduled meetings of the Public Services and Ways and Means Committees for next week. He announced that Bancroft Park will sponsor a two person scramble at Groesbeck Golf Course, the last event before the front nine holes are closed for reconstruction. A Luncheon Fund Raiser is included in the event. Interested parties can call Ingham County Drain Commissioner Patrick Lindemann. He announced the Resurrection Church Annual Ox Roast to be held September 6-8, 1996, at Resurrection Church on Michigan Ave.

Council President Jones commended City Attorney Smiertka for successfully defending the City in the McKane and Blair lawsuits. The City, he said, owes Mr. Smiertka a vote of confidence. Both of these suits have been dismissed in the City's favor.

Councilmember Lilly announced a Development and Planning Committee meeting tomorrow at 4:00 at which they will take up the Consolidated Courts Facility. On Thursday at 4:00, the Committee of the Whole will take up the issue of the expansion of Oldsmobile Park seating and the reorganization of the LPD. He reminded the viewing public that next Monday is Labor Day and the City Council Meeting has been canceled for that week.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener objected to ongoing comments about City Employees being harassed for disagreeing with current administrative policy. He strongly objects to statements like this being made. The workers under the Hollister Administration are very empowered. Total Quality Management is a commitment of this administration and the statements that have been made by Councilmembers are unfair.

He congratulated the Parks and Recreation Department on the success of the all night party at Harry Hill Center last weekend and the YMCA on the success of their Corporate Challenge.

He urged everyone to attend the Riverfest and to take advantage of an opportunity to see President Clinton who will be in the Downtown area tomorrow.

ADJOURNED 11:00 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS SEPTEMBER 9, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by Council President Jones

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a Resolution for Transfer of Funds

2. From Councilmember Leeman; a letter from Chris Spalding of 1737 N. Fairview in support of the Installation of three-way stop signs on Fairview Ave. at Lyman St.

3. From Councilmember Novak; a letter from Mayor Hollister regarding the location of the North Side Police Precinct

4. From Councilmember Allen; letter from Charles Mitchell regarding a request for a left turn light at Cedar and Jolly Roads.

5. From Councilmember Beal; a Resolution Approving a Contract for the Ingham County Tollgate Drain Drainage District regarding the Combined Sewer Overflow Limited Tax General Obligation Bond

6. From Councilmember Beal; a Resolution Authorizing the Issuance and Sale of a Combined Sewer Overflow Limited Tax General Obligation Bond

PUBLIC HEARINGS

A. In consideration of an Application for Industrial Facilities Exemption Certificate (IFT-2-95) Submitted by Cameron Tool Corporation of 1800 Bassett St.

There were no speakers for this Public Hearing

Referred to the Committee on Development & Planning

B. In consideration of an Amendment to Chapter 1460, Section 1460.26(b), for the purpose of Providing for Criteria for Scheduling of Inspection of Dwellings

Councilmember Novak reported receiving a call from Ellen Moore, Past President of the Land Lord Association of Mid-Michigan, stating her support of this ordinance. He told Councilmember Allen that he will submit Ms. Moore's name and phone number to her, as the Chair of the Public Safety Committee, so that she may be kept informed of Committee Meetings.

Referred to the Committee on Public Safety

PUBLIC COMMENT

Harold King of 1563 N. High spoke in support of his letter petitioning Council for adequate maintenance of Bancroft Park. The "Friends of Bancroft Park" have cleaned up the saplings that grew up that were preventing the regular mowing of portions of the Park. Only parts of the Park are being mowed on a regular basis. The community is concerned about the potential fire hazards in areas of the park that will exist as the weed growth begins to dry out.

Lloyd Teets of 116 E. Elm St. spoke in support of the concept of adding bench seating to the berms at Oldsmobile Park. He stated his feelings on the subject of the opinions rendered by Judge Quist in the McKane and Blair lawsuits.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Duwayne H. Watkins of 317 N. Pennsylvania Ave. submitting a claim for $786.19 for back taxes on property deeded to him by the City of Lansing located at 2113 Marcus

Referred to the City Attorney

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B. SLU-08-96, Property Located between Roseneath Ave. and Roosevelt Ave South of the Grand River and Conrail ROW, Special Land Use Petition submitted by the City of Lansing to allow for the Development of a Pumping Station/Sanitization Equalization Basin

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Petition signed by 62 Residents in the area of Bancroft Park requesting that the City take action to ensure appropriate maintenance of Bancroft Park including mowing the Park a minimum of 6 times per year

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

D. Letter from Bill Houghtaling of Hull's Professional Cleaning Service, Inc. regarding a complaint he has with the Building Safety Department

RECEIVED AND PLACED ON FILE

E. Letter from the Ingham County Board of Commissioners requesting an Independent Study of Alternatives for a District Library Agreement, and notifying Council of their action to appropriate $15,000 to share in the funding of such a study

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

F. Letter from Tom Dickson, of the Lansing Lugnuts regarding an agreement he reached with Councilmember Howard Jones for proposed seating improvements at Oldsmobile Park

RECEIVED AND PLACED ON FILE

G. Letter from the State of Michigan Department of Consumer & Industry Services regarding the reversal of a Denial on a request to Transfer Ownership of a 1996 Class C and SDM License for KMD of Lansing, Inc.

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

H. Letter from Henry Boggs, #249031, Adrian Temporary Correctional Facility, 2727 E. Beecher St. regarding his physical health and a complaint he has with the correctional facility

REFERRED TO THE MAYOR

I. Letter from Nancy J. Logan, Employee of the City of Lansing Parks and Recreation Department, submitting an Affidavit of Disclosure

REFERRED TO THE BOARD OF ETHICS

J. Letter from Janet Clark, Director of the Retired & Senior Volunteer Program at 6545 Mercantile Way #1-A-1 regarding the potential for problems with Lansing's Senior Volunteer Program

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

K. Notice from the State of Michigan Department of Natural Resources of Permit #966142 for Sewerage System Construction issued to the City of Lansing for Wise Estates

REFERRED TO THE MAYOR

L. Notice of a Hearing for Apportionment of Costs for Construction of the Tollgate Drainage Project

REFERRED TO THE MAYOR

M. Letter from Bernie Sinclair, President of the South Side Action Committee in support of the reconstruction of the Pedestrian Overpass on S. Cedar St. at Maplewood Elementary School

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SAFETY

N. Letters from Continental Cablevision re:

1. Two-way Video Communications Network and the addition of Channels to their Broadcast

RECEIVED AND PLACED ON FILE

2. Thanking Councilmembers for their prompt action to approve the Merger of Continental Cablevision with U.S. West, Inc. and clarifying the issue of the ownership of telecommunications wires being left on residents roofs

RECEIVED AND PLACED ON FILE

3. Correcting Channel Locations for the Addition of Channels

REFERRED TO THE CABLE AND TELECOMMUNICATIONS ADVISORY BOARD

O. Opinion of Judge Gordon J. Quist in the matter of Terry J. McKane v City of Lansing

RECEIVED AND PLACED ON FILE

P. Opinion of Judge Gordon J. Quist in the matter of James D. Blair v City of Lansing

RECEIVED AND PLACED ON FILE

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MAYOR'S COMMENTS

Mayor Hollister had no comments at this time.

Councilmember Allen suggested that the Hollister Administration pursue a campaign devoted to reducing speeding in residential neighborhoods. She proposes that Patrol Officers actively seek to increase the amount of tickets issued to speeding drivers.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

Transfer of Class C:

Rudolf Stober to add Linda M. Stober

Wrecker Service; Northside Service, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Raymond L. Graham v City of Lansing

RECEIVED AND PLACED ON FILE

D. Letter from Lenora K. Jadun, Public Service Department Director submitting a Notice of Completion of Remedial Investigation and Feasibility Study for the Foster Street Abandoned Plating Site located at 722 S. Foster St.

RECEIVED AND PLACED ON FILE

E. Letters from the Mayor re:

1/ 911 Service Plan Amendment from the Ingham County Board of Commissioners

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2/ National Pollution Prevention Week September 16-22, 1996

REFERRED TO THE COMMITTEE OF THE WHOLE

3/ Request for Appropriation of Community Use Funds for a Conference of the Urban Energy Consortium

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4/ Reappointment of Stephanie C. Whitbeck to the Historic District Commission for a Term to Expire June 30, 2000

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5/ Z-10-96, 5326 S. Pennsylvania Ave., Rezoning Petition from "A" Residential to "F" Commercial District

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6/ ACT-18-96, Acquisition of Railroad ROW, Homer and Larned to S. Holmes St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7/ Transfer of Funds: LPD, City Clerk's Office

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

8/ Letter of Appreciation

RECEIVED AND PLACED ON FILE

9/ Letter in Support of the North Side Police Precinct

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #406
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred a complaint letter from Edward Liebler against the Building Safety Division,

REPORTS AS FOLLOWS: The Committee reviewed Mr. Liebler's complaint with the Code Compliance Inspector who found conditions at the subject property sufficient to merit tagging the four-unit building as unsafe and dangerous. The Code Compliance Manager and the Building Safety Manager also participated in the discussion. The Committee requested that the Building Safety staff work with the City Attorney's Office to prepare a response to Mr. Liebler. The response will include specific citations in the

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Uniform Building Code and Uniform Fire Code under which the property was deemed unsafe and dangerous. Mr. Liebler will also be informed that the City's aggressive Code Compliance Enforcement Program is designed to save lives and property in direct conformance as one of the City's highest public safety priorities. In follow-on discussion, the Committee discussed possible changes to the Housing Code that may improve access to rental properties for inspection purposes. The Committee requested the Building Safety Division to examine East Lansing's Housing Code, among others, with the city Attorney's office to develop recommendations for changes to the Lansing Housing Code. A report back is expected by the beginning of October.

Signed: Sandy Allen
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #407
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed J. Joseph Garcia, 2414 Markley Place, to the Board of Zoning Appeals, for a new three-year term to expire June 30, 1999; and

WHEREAS, the Committee interviewed the appointee and found him to be qualified to serve on the Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of J. Joseph Garcia to the Board of Zoning Appeals, for a term to expire June 30, 1999.

By Councilmember Lilly

Carried unanimously

RESOLUTION #408
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Ronald Koenig, 626 West Willow, to fill a vacancy on the Historic District Commission, for a term to expire June 30, 2000; and

WHEREAS, the Committee interviewed the appointee and found him to be exceptionally well qualified to serve on the Commission;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Ronald Koenig to the Historic District Commission, for a term to expire June 30, 2000.

By Councilmember Lilly

Carried unanimously

RESOLUTION #409
BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously established a Lansing Plant Rehabilitation District (#5) on May 23, 1977 on property at 401 Verlinden, Lansing, Michigan, more fully described on Attachment 1; and

WHEREAS, General Motors Corporation, Small Car Group, Lansing Car Assembly, has applied for an Industrial Facilities Exemption Certificate (IFT-2-96) for the installation of new manufacturing equipment to be located within said established district; and

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on General Motors Corporation's application for an Industrial Facilities Exemption Certificate (IFT-2-96), to allow for any residents and taxpayers to appear and be heard; and

NOW,, THEREFORE BE IT RESOLVED that such public hearing shall be held in the City Council Chambers, Tenth Floor, Lansing City Hall, Lansing, Michigan, on Monday, the 23rd day of September, 1996 at 7: 00 p.m. and that notice of such hearing be published in a publication of general circulation of said City, and that the City Clerk be requested to give at least ten (10) days notice of a public hearing and that the legislative body of each taxing unit levying ad valorem taxes on this property as well as the owners of real property located within the established District be also notified of this application and the scheduled public hearing.

By Councilmember Lilly

Carried unanimously

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RESOLUTION #410
BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously established a Lansing Industrial Development District (#5) on May 23, 1977 and also previously established a Lansing Industrial Development District (#8-80) on December 22, 1980 on property at 920 Townsend Avenue, Lansing, Michigan, more fully described on Attachment 1; and

WHEREAS, General Motors Corporation, Small Car Group, Lansing Car Assembly, has applied for an Industrial Facilities Exemption Certificate (IFT-1-96) for the installation of new manufacturing equipment to be located within said established districts; and

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on General Motors Corporation's application for an Industrial Facilities Exemption Certificate (IFT-1-96), to allow for any residents and taxpayers to appear and be heard; and

NOW, THEREFORE BE IT RESOLVED that such public hearing shall be held in the City Council Chambers, Tenth Floor, Lansing City Hall, Lansing, Michigan, on Monday, the 23rd day of September, 1996 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City, and that the City Clerk be requested to give at least ten (10) days notice of a public hearing and that the legislative body of each taxing unit levying ad valorem taxes on this property as well as the owners of real property located within the established District be also notified of this application and the scheduled public hearing.

By Councilmember Lilly

Carried unanimously

RESOLUTION #411
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a petition from Chris Spalding of 1713 N. Fairview Avenue to install a multi-way stop at the intersection of Fairview Avenue and Lyman Street. The petition was signed by forty people who reside in the area of this intersection. Mr. Spalding made this request because he is concerned about the vehicular speeds on Fairview Avenue and the safety of children in the neighborhood;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to deny the installation of a multi-way stop at the intersection of Fairview Avenue and Lyman Street;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and does not concur with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety unanimously recommended to install a multi-way stop at the intersection of Fairview Avenue and Lyman Street;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 96-038 thereby authorizing the Transportation Engineer to a install multi-way stop at the intersection of Fairview Avenue and Lyman Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 96-038 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate signs are erected.
By Councilmember Allen

To Place an affirmative roll on the resolution

FOLLOWING EXTENSIVE DEBATE ON THIS RESOLUTION THE FOLLOWING MOTION WAS MADE:

By Councilmember Allen

To call the question of affirmative roll to a vote

ADOPTED BY THE FOLLOWING VOTE:

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YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly

COUNCILMEMBER ALLEN'S MOTION FOR AFFIRMATIVE ROLL WAS ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmember Lilly

RESOLUTION #412
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Manager of the Ingham County/City of Lansing Community Corrections Advisory Board (CCAB) reported that the Board has proposed that Board members Mary Kay Scullion and Chuck Steinberg, whose current terms will expire September 17, 1996, be reappointed to extended terms; and

WHEREAS, the Ingham County Board of Commissioners approved these reappointments at their August 20th meeting; and

WHEREAS, appointments to the CCAB are subject to City Council approval as well; and

WHEREAS, the Committee on Public Safety recommends Council approval of the reappointments;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following reappointments to the Ingham County/City of Lansing Community Corrections Advisory Board: Mary Kay Scullion, representing the General Public, and currently the CCAB Chair, for a term to expire September 17, 1999, and Chuck Steinberg, representing the Service Sector, for a term to expire September 17, 1997; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the Ingham County/City of Lansing CCAB in Mason.

By Councilmember Allen

Carried unanimously

RESOLUTION #413
BY COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
PUBLIC IMPROVEMENT IV

WHEREAS, pursuant to the resolution adopted by this council on August 12, 1996, the City Assessor has held a public hearing for assessment roll number B-58 for sidewalks as follows:

PROJECT TITLE: 1996 Downtown Sidewalk Repair P.S. #36275

PROPERTY BENEFITTED
SIDEWALK: The area bounded by Grand Avenue, Kalamazoo Street, Capitol Avenue and Ionia Street. Excepting all public streets and alleys and other land deemed not benefitted.

COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. B-58	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
SIDEWALK REPAIRS	$105,105.76	$16,411.44
TOTAL COSTS	$105,105.76	$16,411.44

NOW THEREFOR BE IT RESOLVED that special assessment roll number B-58 as returned by the City Assessor, be ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax within 90 days after the approval of the assessment roll.

By Councilmember Leeman

To accept a friendly amendment proposed by Councilmember Novak to change the amount of the City's Contribution to $16,411.44, and to Place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #414
RESOLVED BY THE LANSING CITY COUNCIL

Whereas, the Mayor has recommended that up to 2,000 bench seats be added to the first and third base grass berms at Oldsmobile Park and that an irrigation system be added to the outfield berms; and

Whereas, the cost of all necessary work to

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INSTALL THE SEATS AND IRRIGATION SYSTEM IS ESTIMATED AT $360,000 AND $20,000, RESPECTIVELY; AND

WHEREAS, TAKE ME OUT TO THE BALLGAME, LIMITED LIABILITY COMPANY, (TMO) HAS AGREED TO SHARE IN ONE-THIRD OF THE COSTS ASSOCIATED WITH THE INSTALLATION OF THE SEATS; AND

WHEREAS, TMO HAS FURTHER AGREED TO ELIMINATE ARTICLE III B I (TERMINATION BY TMO) AND ARTICLE IIA (BASELINE AVERAGE) FROM THE STADIUM LICENSE, LEASE AND SERVICE AGREEMENT BETWEEN TMO AND THE CITY; THESE PROVISIONS CONSTITUTING A RIGHT IN TMO TO TERMINATE THE CONTRACT BEGINNING AT THE END OF THE SIXTH SEASON BASED UPON ATTENDANCE; AND

WHEREAS, TMO HAS ALSO AGREED TO FULLY RELEASE ANY CLAIMS AGAINST THE CITY REGARDING ARMCHAIR SEATING AND CONCESSION EQUIPMENT; TO PAY FOR THE COST OF DRYWALL IN THE THIRD BASE STORE; TO RELEASE AND WITHDRAW ANY OBJECTIONS TO ATM SIGNAGE;

NOW THEREFORE, BE IT RESOLVED THAT THE PURCHASE AND INSTALLATION OF UP TO 2,000 BENCH SEATS FOR USE IN THE FIRST AND THIRD BASE BERMS AT OLDSMOBILE PARK AND OF AN IRRIGATION SYSTEM IN THE OUTFIELD BERMS ARE HEREBY APPROVED AND APPROPRIATIONS ARE AUTHORIZED IN THE AMOUNTS OF $240,000 FROM ESTIMATED REVENUES BASEBALL (ACCOUNT NUMBER 234-0-170001-0) AND $20,000 FROM BASEBALL FUND FUND BALANCE (234-000-000-390001) TO STADIUM CONSTRUCTION (ACCOUNT NUMBER 234-933992-970000-43804);

BE IT FURTHER RESOLVED THAT THE ABOVE APPROPRIATION IS AUTHORIZED WITH THE CONTINGENCY THAT TMO AGREE TO PAY FOR ONE-THIRD OF THE COST OF PROCUREMENT AND INSTALLATION OF THE BENCH SEATS AND TO EXECUTE DOCUMENTS APPROVED BY THE CITY ATTORNEY REFLECTING THE CONTRACT CHANGES AND THE RELEASES SET FORTH ABOVE;

BE IT FINALLY RESOLVED THAT THE MAYOR AND CITY CLERK ARE AUTHORIZED TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO IMPLEMENT THIS RESOLUTION.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #415
BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING IS A DIRECT MEMBER OF THE NATIONAL LEAGUE OF CITIES, WHICH ENTITLES IT TO FOUR VOTING DELEGATES AT THE ANNUAL CONGRESS OF CITIES, TO BE HELD DECEMBER 7-10 IN SAN ANTONIO; AND

WHEREAS, COUNCIL PRESIDENT JONES AND COUNCILMEMBER LEEMAN HAVE EXPRESSED INTEREST IN ATTENDING THE CONVENTION AS DELEGATES FROM THE CAPITAL CITY;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY AUTHORIZES COUNCIL PRESIDENT JONES AND COUNCILMEMBER LEEMAN TO ATTEND THE 1996 CONGRESS OF CITIES IN SAN ANTONIO AS VOTING DELEGATES FROM LANSING; AND

BE IT FURTHER RESOLVED ALL EXPENSES FROM THIS TRIP SHALL BE CHARGED TO ACCOUNT 101-173901-747021-0, COUNCIL EDUCATION & TRAINING.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #416
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING FY 97 TRANSFERS BE APPROVED:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,539	ESTIMATED REVENUE-GENERAL FUND 101-0-170001-0	POLICE- CONTROL 101-343201-992200-0
$1,539	POLICE-CONTROL 101-343201-992200-0	DONATIONS-DARE 101-343201-741879-0

(DONATIONS FOR DARE PROGRAM FROM R.J. LUNDBERG & ASSOC. ($200), CAPITAL CITY CAR CLUB ($700), AND PENNZOIL-JIFFY LUBE ($639).

AND; THAT THE FOLLOWING FY 96 TRANSFERS BE APPROVED,

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$111,395	EST. REVENUES-ACT 51 LOCAL STREETS 203-0-170001-0	
$ 2,880	TEMPORARY HELP 203-453630-707000-0	
$ 4,043	MISC. & OPERATING 203-453630-741000-0	
$48,671		WAGES HOURLY 203-453630-706000-0
$27,752		FRINGE BENEFITS 203-453630-715000-0

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$39,078		MATERIALS 203-453630-742500-0
$ 2,892		EQUIPMENT RENTAL 203-453630-745200-0

(UNANTICIPATED ADDITIONAL UTILITY CUTS RESULTING IN HIGHER COSTS. ADDITIONAL UTILITY CUT REVENUE CREDITED TO REVENUE DETAIL ACCOUNT 203-0-602000-0.)

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #417

CITY OF LANSING
COUNTIES OF INGHAM AND EATON,
STATE OF MICHIGAN
RESOLUTION APPROVING CONTRACT WITH
INGHAM COUNTY
TOLLGATE DRAIN DRAINAGE DISTRICT
REGARDING COMBINED SEWER OVERFLOW
LIMITED TAX GENERAL OBLIGATION BOND
(PHASE I I, SEGMENT 3), SERIES I

WHEREAS, THE STATE OF MICHIGAN WATER RESOURCES COMMISSION HAS ISSUED A WASTEWATER TREATMENT FACILITIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. MI 0023400 (THE "NPDES PERMIT") REQUIRING THE CITY OF LANSING (THE "CITY") TO DEVELOP A FINAL COMBINED SEWER OVERFLOW CONTROL PROGRAM (THE "CSO CONTROL PROGRAM") TO BE SUBMITTED TO THE STATE OF MICHIGAN ACTING THROUGH ITS DEPARTMENT OF NATURAL RESOURCES (SUBSEQUENTLY RESTRUCTURED AND RENAMED THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND COLLECTIVELY HEREAFTER REFERRED TO AS THE "DEQ") FOR APPROVAL; AND

WHEREAS, BY A LETTER DATED MARCH 9, 1992 TO THE CITY CLERK, DEQ, ACTING THROUGH ITS SUPERVISOR OF THE SURFACE WATER QUALITY DIVISION, HAS APPROVED THE CSO CONTROL PROGRAM SUBMITTED BY THE CITY IN COMPLIANCE WITH THE NPDES PERMIT- AND

WHEREAS, ACT 320, PUBLIC ACTS OF MICHIGAN, 1927, AS AMENDED, REPEALED AND RECODIFIED BY ACT 451, PUBLIC ACTS OF MICHIGAN 1994 ("ACT 451") ENABLES A CITY TO ISSUE AND SELL BONDS TO FINANCE CONSTRUCTION OF IMPROVEMENTS REQUIRED BY A PERMIT ISSUED BY THE STATE OF MICHIGAN WATER RESOURCES COMMISSION; AND

WHEREAS, THE CITY COUNCIL HAS STATED ITS INTENTION TO AUTHORIZE THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES PURSUANT TO ACT 451 IN AN AMOUNT NOT TO EXCEED SIX MILLION DOLLARS ($6,000,000) FOR THE PURPOSE OF SEPARATING COMBINED SEWERS IN THE TOLLGATE DRAIN AREA (LANSING TOWNSHIP, NORTH OF EAST GRAND RIVER AVENUE, EAST OF WOOD STREET), (THE "PROJECT"), INCLUDED IN PHASE I I, SEGMENT 3 OF THE COMBINED SEWER OVERFLOW IMPROVEMENTS PROJECT PLAN REQUIRED BY THE NPDES PERMIT; AND

WHEREAS, A PROPOSED CONTRACT (THE "CONTRACT") BETWEEN THE CITY AND THE INGHAM COUNTY TOLLGATE DRAIN DRAINAGE DISTRICT (THE "DRAINAGE DISTRICT") FOR THE ACQUISITION OF THE PROJECT, THE PAYMENT OF THE COST OF THE PROJECT BY THE DRAINAGE DISTRICT AND THE CITY AND THE ISSUANCE OF BONDS BY THE CITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED $4,500,000 IN ANTICIPATION OF THE COLLECTION OF PAYMENTS TO BE MADE BY THE DRAINAGE DISTRICT AND OTHER FUNDS AND REVENUES AVAILABLE TO THE CITY HAS BEEN SUBMITTED TO THE CITY COUNCIL FOR APPROVAL.

NOW, THEREFORE, IT IS RESOLVED THAT:

I . THE CONTRACT ATTACHED AS EXHIBIT B (THE "CONTRACT") TO THIS RESOLUTION IS APPROVED, AND THE DIRECTOR OF FINANCE, THE DIRECTOR OF PUBLIC SERVICE, THE MAYOR OR THE CITY CLERK (EACH AN "AUTHORIZED OFFICER") ARE AUTHORIZED AND DIRECTED TO EXECUTE SUCH CONTRACT ON BEHALF OF THE CITY AFTER APPROVAL OF THE CONTRACT BY THE DRAINAGE BOARD FOR THE INGHAM COUNTY TOLLGATE DRAIN DRAINAGE DISTRICT, AND WITH SUCH MODIFICATIONS AS DEEMED NECESSARY OR APPROPRIATE BY THE AUTHORIZED OFFICER AND NOT IN CONFLICT WITH THE LAW OR OTHER RESOLUTIONS OF THIS COUNCIL. A VOTE ON THE FOREGOING RESOLUTION WAS TAKEN AND WAS AS FOLLOWS:

BY COUNCILMEMBER BEAL

ADOPTED BY THE FOLLOWING VOTE:

YES: COUNCILMEMBERS ALLEN, BAUER, BENAVIDES, JONES, LEEMAN, NOVAK

NO: COUNCILMEMBERS BEAL, LILLY

ABSTAIN: NONE

EXHIBIT A
DESCRIPTION OF THE PROJECT

THE PROJECT SHALL CONSIST OF THE SEPARATION OF COMBINED SEWERS IN THE TOLLGATE DRAIN AREA (LANSING TOWNSHIP, NORTH OF EAST GRAND RIVER AVENUE, EAST OF WOOD STREET), INCLUDED IN PHASE I I, SEGMENT 3 OF THE COMBINED SEWER OVERFLOW IMPROVEMENTS PROJECT PLAN REQUIRED BY THE NPDES PERMIT, AND INCLUDING BOTH THE SANITARY SEWER PORTION OF THE PROJECT AND THE STORM SEWER PORTION OF THE PROJECT AS DESCRIBED IN GREATER DETAIL IN THE CONTRACT.

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EXHIBIT B
CONTRACT BETWEEN
THE CITY OF LANSING
AND
THE INGHAM COUNTY
TOLLGATE DRAIN DRAINAGE DISTRICT
CITY OF LANSING/LANSING TOWNSHIP
TOLLGATE DRAIN PROJECT
DATED AS OF SEPTEMBER 1, 1996

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Exhibit A - Description of Project A-1
Exhibit B - Estimated Project Costs B-1
Exhibit C - Drainage District Certificate C-1

i

CONTRACT

THIS CONTACT (THE "CONTRACT") IS MADE AS OF SEPTEMBER 1, 1996, BY AND BETWEEN THE CITY OF LANSING, LOCATED IN INGHAM COUNTY, MICHIGAN, AND CHARTERED PURSUANT TO ACT NO. 279, PUBLIC ACTS OF MICHIGAN, 1909, AS AMENDED ("ACT 279") (THE "CITY"), AND THE INGHAM COUNTY TOLLGATE DRAIN DRAINAGE DISTRICT, LOCATED IN INGHAM COUNTY, MICHIGAN, AND ESTABLISHED PURSUANT TO CHAPTER 20 OF ACT NO. 40, PUBLIC ACTS OF MICHIGAN, 1956, AS AMENDED ("ACT 40") (THE "DRAINAGE DISTRICT").

THE CITY OWNS AND OPERATES A WASTEWATER COLLECTION AND DISPOSAL SYSTEM (THE "SYSTEM") TO SERVE ITS CUSTOMERS LOCATED WITHIN THE CITY AND CERTAIN CUSTOMERS LOCATED OUTSIDE OF THE CITY PURSUANT TO AGREEMENTS WITH ONE OR MORE MUNICIPALITIES, IN ACCORDANCE WITH SECTION 24, ARTICLE VII, MICHIGAN CONSTITUTION OF 1963 AND ACT 279, INCLUDING AN AGREEMENT DATED MARCH 1, 1993 (THE "LANSING TOWNSHIP AGREEMENT") BY AND BETWEEN THE CITY AND LANSING CHARTER TOWNSHIP, ESTABLISHED PURSUANT TO ACT NO. 359, PUBLIC ACTS OF MICHIGAN, 1947, AS AMENDED ("ACT 359") (THE "TOWNSHIP"), WHICH AGREEMENTS SHALL CONTINUE UNTIL THEY EXPIRE IN ACCORDANCE WITH THEIR TEN-NS.

THE DRAINAGE DISTRICT OWNS AND OPERATES A STORM WATER SYSTEM TO SERVE PROPERTIES LOCATED WITHIN ITS BOUNDARIES, INCLUDING PROPERTIES LOCATED IN THE TOWNSHIP WHICH RECEIVE SANITARY SEWER SERVICE FROM THE CITY PURSUANT TO THE LANSING TOWNSHIP AGREEMENT.

THE STATE OF MICHIGAN WATER RESOURCES COMMISSION HAS ISSUED A WASTEWATER TREATMENT FACILITIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. MI 0023400 (THE "NPDES PERMIT") REQUIRING THE CITY OF LANSING TO DEVELOP A FINAL COMBINED SEWER OVERFLOW PROGRAM (THE "CSO CONTROL PROGRAM") TO BE SUBMITTED TO THE STATE OF MICHIGAN ACTING THROUGH ITS DEPARTMENT OF NATURAL RESOURCES (SUBSEQUENTLY RESTRUCTURED AND RENAMED THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND COLLECTIVELY HEREAFTER REFERRED TO AS THE "DEQ"), AND BY A LETTER DATED MARCH 9, 1992 TO THE CITY CLERK, THE DEQ, ACTING THROUGH ITS SUPERVISOR OF SURFACE WATER QUALITY DIVISION, HAS APPROVED THE CSO CONTROL PROGRAM SUBMITTED BY THE CITY IN COMPLIANCE WITH THE NPDES PERMIT.

A PORTION OF THE CURRENT SANITARY SEWER SYSTEM WITHIN THE TOWNSHIP CONVEYS STORM WATER FLOW INTO THE CITY'S SYSTEM THROUGH THE TOLLGATE DRAIN, WHICH STORM WATER FLOW MUST BE SEPARATED FROM THE SYSTEM IN ACCORDANCE WITH THE NPDES PERMIT AND THE TEN-NS OF THE CSO CONTROL PROGRAM.

THE CITY AND THE DRAINAGE DISTRICT HAVE DETERMINED THAT IT IS IN THE BEST INTERESTS OF THE CITY AND THE DRAINAGE DISTRICT TO COORDINATE THEIR ACTIVITIES WITH RESPECT TO THE CONSTRUCTION OF CERTAIN SANITARY SEWER AND STORM SEWER IMPROVEMENTS, RESPECTIVELY, TO AND IN THE AREA SERVICED BY THE TOLLGATE DRAIN, AS MORE SPECIFICALLY DESCRIBED ON EXHIBIT A, WHICH ARE DESIGNED TO IMPLEMENT THE ABOVE-DESCRIBED SEPARATION OF SANITARY SEWER AND STORM WATER FLOW (THE "PROJECT") TO PROMOTE AND IMPROVE THE HEALTH AND WELFARE OF AFFECTED RESIDENTS, AND THAT THE PROJECT CAN MOST ECONOMICALLY AND EFFICIENTLY BE PROVIDED AND FINANCED AS DESCRIBED IN GREATER DETAIL BELOW.

THE CITY AND THE DRAINAGE DISTRICT ARE AUTHORIZED, PURSUANT TO ACT 320, PUBLIC ACTS OF MICHIGAN, 1927, AS AMENDED, REPEALED AND RECODIFIED BY ACT 45 1, PUBLIC ACTS OF MICHIGAN, 1994, AS AMENDED ("ACT 451 ") AND SECTION 471 OF ACT 40, TO ENTER INTO A CONTRACT FOR THE ACQUISITION, CONSTRUCTION AND FINANCING OF THE PROJECT AND FOR THE PAYMENT OF ALL OR A PART OF THE COST OF THE PROJECT (THE "COST" OR THE "COSTS" SHALL MEAN THE TOTAL COST OF THE PROJECT UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE) BY THE DRAINAGE DISTRICT AND THE CITY WITH INTEREST, OVER A PERIOD NOT EXCEEDING 30 YEARS. THE CITY IS ALSO

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AUTHORIZED TO HEREAFTER ISSUE ITS BONDS TO BE SECURED BY THE CONTRACTUAL OBLIGATIONS OF THE DRAINAGE DISTRICT AND ADDITIONAL FUNDS AND REVENUES OF THE CITY.

PRELIMINARY PLANS FOR THE PROJECT HAVE BEEN PREPARED AND ARE ON FILE AT THE CITY OFFICES (SUCH PRELIMINARY PLANS AS FROM TIME TO TIME REVISED OR THE FINAL PLANS, AS THE CONTEXT MAY DICTATE, ARE REFERRED TO IN THIS CONTRACT AS THE "PLANS"), AND HAVE ALSO BEEN PLACED ON FILE IN THE OFFICE OF THE DRAINAGE DISTRICT. ALL SUCH PLANS AND SPECIFICATIONS, AND THE OBLIGATIONS OF THE CITY AND THE DRAINAGE DISTRICT TO CONSTRUCT THE PROJECT, ARE SUBJECT TO APPROVAL OF THE DEQ.

IN CONSIDERATION OF THE PREMISES AND IN ORDER TO PROVIDE FOR THE ACQUISITION AND CONSTRUCTION OF THE PROJECT, FOR THE FINANCING OF THE PROJECT THROUGH THE ISSUANCE OF THE BONDS (AS DEFINED BELOW), FOR THE OPERATION AND MAINTENANCE OF THE PROJECT AND FOR OTHER RELATED MATTERS, THE CITY AND THE DRAINAGE DISTRICT AGREE AS FOLLOWS:

1. APPROVAL OF PROJECT. THE CITY AND THE DRAINAGE DISTRICT APPROVE AND AGREE TO THE ACQUISITION, CONSTRUCTION AND FINANCING OF THE PROJECT. THE PARTIES APPROVE THE DESIGNATION OF "TOLLGATE DRAIN IMPROVEMENT PROJECT" AS THE NAME OF THE PROJECT. THE CITY AND THE DRAINAGE DISTRICT EACH, BY WAY OF COMPLIANCE WITH SECTION 29, ARTICLE VII, MICHIGAN CONSTITUTION OF 1963, CONSENTS AND AGREES TO THE ESTABLISHMENT AND LOCATION OF THE PROJECT AND ANY EXTENSION, IMPROVEMENT OR ENLARGEMENT OF IT WITHIN ITS CORPORATE BOUNDARIES IN ACCORDANCE WITH THE TENNS OF THIS CONTRACT OR ON LAND PRESENTLY OWNED BY AND LOCATED IN IT, AND TO THE USE BY THE OTHER OF THE LANDS, RIGHTS-OF-WAY OR OTHER PUBLIC PLACES IN IT FOR THE PURPOSE AND FACILITIES OF THE PROJECT AND ANY IMPROVEMENT, ENLARGEMENT OR EXTENSION OF THE PROJECT. THE CITY AND THE DRAINAGE DISTRICT EACH FURTHER AGREES THAT, IN ORDER TO EVIDENCE AND EFFECTUATE THIS AGREEMENT AND CONSENT, IT WILL OBTAIN OR ASSIST THE OTHER IN OBTAINING ALL EASEMENTS, LICENSES, RIGHTS-OF-WAY AND/OR TITLE TO PROPERTY NECESSARY FOR COMPLETION OF THE PROJECT AND WILL EXECUTE AND DELIVER TO THE OTHER SUCH EASEMENTS, RIGHTS-OF-WAY, LICENSES, PERMITS OR CONSENTS AS MAY BE REQUESTED BY THE OTHER. THE COST OF OBTAINING NECESSARY EASEMENTS, LICENSES, RIGHTS-OF-WAY AND/OR TITLE TO PROPERTY IN CONNECTION WITH THE PROJECT SHALL BE COSTS OF THE PROJECT PAYABLE FROM THE PROCEEDS OF THE BONDS AS SET FORTH BELOW.

2. PROJECT DESCRIPTION. THE PROJECT SHALL CONSIST OF THE SANITARY SEWER AND STORM SEWER IMPROVEMENTS DESCRIBED AND SPECIFIED IN EXHIBIT A AND AS ARE MORE PARTICULARLY SET FORTH IN THE PLANS. THE PROJECT SHALL BE ACQUIRED AND CONSTRUCTED SUBSTANTIALLY IN ACCORDANCE WITH THE PLANS AND IN ACCORDANCE WITH FINAL PLANS AND SPECIFICATIONS, BUT VARIATIONS FROM THE PLANS WHICH DO NOT MATERIALLY CHANGE THE LOCATION, CAPACITY OR OVERALL DESIGN OF THE PROJECT, AND WHICH DO NOT REQUIRE AN INCREASE IN THE TOTAL ESTIMATED COST OF THE PROJECT, MAY BE PERMITTED ON THE AUTHORITY OF AN AUTHORIZED OFFICER OF THE CITY AND THE DRAINAGE DISTRICT. OTHER VARIATIONS OR CHANGES MAY BE MADE IF APPROVED BY RESOLUTION OF THE GOVERNING BODY OF THE CITY AND THE DRAINAGE DISTRICT. THE ESTIMATES OF THE COST OF THE PROJECT SET FORTH ON EXHIBIT B, NOT TO EXCEED $4,500,000 (INCLUSIVE OF THE COSTS OF THE STORM SEWER PORTION OF THE PROJECT NOT TO EXCEED $1,500,000), AND THE PERIOD OF USEFULNESS OF THE PROJECT, IN EXCESS OF 30 YEARS, ARE LIKEWISE APPROVED AND ADOPTED. IN ADDITION TO THE PROJECT, THE CITY AND THE DRAINAGE DISTRICT ACKNOWLEDGE AND AGREE THAT THERE ARE CERTAIN SANITARY SEWER IMPROVEMENTS RELATED TO THE PROJECT BUT NOT BEING FINANCED WITH PROCEEDS OF THE BONDS, WHICH WILL BE CONSTRUCTED AND FINANCED SOLELY BY THE CITY, AND THAT THERE ARE CERTAIN STORM SEWER IMPROVEMENTS RELATED TO THE PROJECT BUT NOT BEING FINANCED WITH PROCEEDS OF THE BONDS, WHICH WILL BE CONSTRUCTED AND FINANCED SOLELY BY THE DRAINAGE DISTRICT.

3. ISSUANCE OF BONDS. THE CITY SHALL TAKE OR CAUSE TO BE TAKEN ALL ACTIONS REQUIRED OR NECESSARY, IN ACCORDANCE WITH ACT 451 AND ACT 279, TO PROCURE THE ISSUANCE AND SALE OF BONDS BY THE CITY (THE "BONDS"), IN ONE OR MORE SERIES, IN WHATEVER AGGREGATE PRINCIPAL AMOUNT IS NECESSARY TO DEFRAY THE COST OF THE PROJECT NOT TO EXCEED $4,500,000. THE BONDS (I) SHALL BE ISSUED IN ANTICIPATION OF, AND BE PAYABLE FROM CERTAIN FUNDS AND REVENUES OF THE CITY WITH RESPECT TO THE SANITARY SEWER PORTION OF THE PROJECT, AND THE PAYMENTS TO BE MADE BY THE DRAINAGE DISTRICT TO THE CITY AS PROVIDED FOR IN THIS CONTRACT WITH RESPECT TO THE STORM SEWER PORTION OF THE PROJECT, (II) SHALL BE SECURED BY THE FULL FAITH AND CREDIT AND LIMITED TAXING POWER OF THE CITY, AND (III) SHALL BE PAYABLE IN ANNUAL MATURITIES, THE LAST OF WHICH SHALL BE NOT MORE THAN 30 YEARS FROM THE DATE THEREOF.

4. CONSTRUCTION. THE CONSTRUCTION OF THE PROJECT WILL BE GOVERNED BY TWO CONTRACTS BETWEEN THE DRAINAGE DISTRICT AND BARNHART & SON, INC. THE DRAINAGE DISTRICT AGREES TO COMPLY, IN ALL RESPECTS WITH RESPECT TO THE PROJECT AND THIS CONTRACT WITH THE CONDITIONS IMPOSED BY THE STATE OF MICHIGAN, THE DEQ AND

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THE MICHIGAN MUNICIPAL BOND AUTHORITY WITH RESPECT TO THE BONDS AND/OR THE PROJECT, AND AGREES TO EXECUTE AND DELIVER TO THE CITY A DRAINAGE DISTRICT CERTIFICATE IN THE FORM AND CONTENT ATTACHED AS EXHIBIT C. WITH SUCH MODIFICATIONS AS MAY BE REQUIRED BY THE CITY. IN ADDITION TO THE PROJECT, THE CITY AND THE DRAINAGE DISTRICT ACKNOWLEDGE AND AGREE THAT THERE ARE CERTAIN SANITARY SEWER IMPROVEMENTS RELATED TO THE PROJECT BUT NOT BEING FINANCED WITH PROCEEDS OF THE BONDS WHICH THE CITY WILL BE SOLELY RESPONSIBLE FOR CONSTRUCTING AND FINANCING AND THAT THERE ARE CERTAIN STORM SEWER IMPROVEMENTS RELATED TO THE PROJECT BUT NOT BEING FINANCED WITH PROCEEDS OF THE BONDS WHICH THE DRAINAGE DISTRICT WILL BE SOLELY RESPONSIBLE FOR CONSTRUCTING AND FINANCING.

5. PAYMENTS BY DRAINAGE DISTRICT. THE DRAINAGE DISTRICT SHALL PAY TO THE CITY THE COST OF THE STORM SEWER PORTION OF THE PROJECT. THE COST OF THE PROJECT WILL BE DEFRAYED BY THE ISSUANCE OF BONDS AS PROVIDED IN PARAGRAPH 3 ABOVE. THE DRAINAGE DISTRICT COVENANTS AND AGREES TO PAY THE PRINCIPAL OF, PREMIUM, IF ANY, AND INTEREST ON THE PORTION OF THE BONDS ALLOCABLE TO THE STORM SEWER PORTION OF THE PROJECT AND ALL REGISTRATION, PAYING AGENT FEES AND OTHER EXPENSES AND CHARGES WHICH ARE PAYABLE ON ACCOUNT OF THE PORTION OF THE BONDS ALLOCABLE TO THE STORM SEWER PORTION OF THE PROJECT (SUCH FEES, EXPENSES AND CHARGES BEING CALLED "BOND SERVICE CHARGES"). PAYMENTS SHALL BE MADE TO THE CITY IN SEMIANNUAL INSTALLMENTS WHICH SHALL BE DUE AND PAYABLE 15 DAYS PRIOR TO THE DAY SPECIFIED IN THE BONDS AS THE INTEREST PAYMENT DATES WITH RESPECT TO THE BONDS, IN AMOUNTS AT LEAST SUFFICIENT TO PAY ALL PRINCIPAL, PREMIUM, AND/OR INTEREST FALLING DUE ON SUCH INTEREST PAYMENT DATES AND ALL BOND SERVICE CHARGES THEN DUE AND PAYABLE. THE BONDS SHALL MATURE IN THE AMOUNTS AND ON THE DATES DETERMINED BY THE CITY. THE CITY SHALL, WITHIN 30 DAYS AFTER DELIVERY OF THE BONDS, SUPPLY THE DRAINAGE DISTRICT WITH A COMPLETE SCHEDULE OF THE PAYMENTS OF PRINCIPAL OF AND INTEREST ON THE BONDS, AND UPDATE SUCH SCHEDULE AS IT MAY FROM TIME TO TIME BE MODIFIED DUE TO THE DRAW DOWN SCHEDULE OF THE BONDS. IF THE DRAINAGE DISTRICT FAILS TO MAKE ANY PAYMENT TO THE CITY WHEN DUE, THE SAME SHALL BE SUBJECT TO A PENALTY OF 1% OF THE AMOUNT DUE FOR EACH MONTH OR FRACTION OF A MONTH THAT SUCH AMOUNT REMAINS UNPAID AFTER IT IS DUE. FAILURE OF THE CITY TO FINISH THE SCHEDULE OR GIVE NOTICE AS ABOVE REQUIRED SHALL NOT EXCUSE THE DRAINAGE DISTRICT FROM THE OBLIGATION TO MAKE PAYMENT WHEN DUE. PAYMENTS SHALL BE MADE BY THE DRAINAGE DISTRICT WHEN DUE WHETHER OR NOT THE PROJECT HAS THEN BEEN COMPLETED OR PLACED IN OPERATION. THE FOREGOING OBLIGATIONS SHALL APPLY TO ALL BONDS ISSUED BY THE CITY TO DEFRAY THE COST OF THE PROJECT.

THE DRAINAGE DISTRICT'S PAYMENTS WITH RESPECT TO THE STORM SEWER PORTION OF THE PROJECT ARE ANTICIPATED TO BE COLLECTED PURSUANT TO SPECIAL ASSESSMENTS LEVIED BY THE DRAINAGE DISTRICT PURSUANT TO THE PROVISIONS OF ACT 40. THE DRAINAGE DISTRICT AGREES TO PROMPTLY COMPLY WITH ALL REQUIREMENTS AND PROVISIONS OF ACT 40 WITH RESPECT TO THE LEVY AND COLLECTION OF SUCH ASSESSMENTS, AND AGREES, IN THE EVENT OF A FAILURE OF THE DRAINAGE DISTRICT TO DO SO, TO PERMIT THE CITY TO EXERCISE, ON ITS BEHALF, ANY RIGHTS WITH RESPECT TO SUCH LEVY AND COLLECTION THAT IT MIGHT LEGALLY BE AUTHORIZED TO EXERCISE PURSUANT TO THE AUTHORITY GRANTED IN THIS CONTRACT. IN ADDITION, THE CITY SHALL HAVE ALL OTHER RIGHTS AND REMEDIES PROVIDED BY LAW TO ENFORCE THE OBLIGATIONS OF THE DRAINAGE DISTRICT TO (I) LEVY AND COLLECT ITS SPECIAL ASSESSMENTS RELATED TO THE STORM SEWER PORTION OF THE PROJECT, AND (II) MAKE PAYMENTS TO THE CITY UNDER THIS CONTRACT.

6. ADVANCE PAYMENTS. IF THE DRAINAGE DISTRICT PAYS THE COST OF THE PROJECT OR ANY PORTION OF IT, PRIOR TO THE ISSUANCE OF THE BONDS, THEN THE OBLIGATIONS OF THE DRAINAGE DISTRICT SHALL BE ADJUSTED ACCORDINGLY. UPON PRIOR WRITTEN CONSENT OF THE CITY, AND ONLY AS PERMITTED BY THE HOLDER OF THE BONDS, THE DRAINAGE DISTRICT MAY PAY IN ADVANCE OF MATURITY ALL OR ANY PART OF A SEMIANNUAL INSTALLMENT DUE TO THE CITY ON THE BONDS BY PAYING CASH TO THE CITY AND REQUESTING THE CITY TO PURCHASE ANY BONDS OR CALL ANY BONDS IN ACCORDANCE WITH THEIR TERMS. THE CITY MAY APPLY SUCH PREPAYMENTS AS IT DEEMS NECESSARY OR DESIRABLE.

7. USE OF EXCESS BOND PROCEEDS. THE PROCEEDS OF THE SALE OF THE BONDS SHALL BE USED SOLELY AND ONLY TO PAY THE COST OF THE PROJECT. AFTER COMPLETION OF THE PROJECT AND PAYMENT OF ALL PROJECT COSTS, ANY SURPLUS REMAINING FROM THE SALE OF THE BONDS SHALL, AT THE OPTION OF THE CITY, BE (A) USED, WITH THE REVIEW AND APPROVAL OF THE DRAINAGE DISTRICT (WHICH REVIEW AND APPROVAL SHALL BE IN ACCORDANCE WITH THE SAME PLANNING STANDARDS EMPLOYED TO REVIEW THE PROJECT ORIGINALLY, SUBJECT TO ALL APPLICABLE LAWS, REGULATIONS AND GOVERNMENTAL STANDARDS THEN IN EFFECT), TO EXTEND, ENLARGE OR IMPROVE THE PROJECT OR ANY OTHER PROJECT WHICH HAS BEEN CONSTRUCTED AND/OR MAINTAINED BY THE CITY, OR (B) RETAINED BY THE CITY FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BONDS. IN THE EVENT SUCH SURPLUS IS USED FOR PRINCIPAL AND INTEREST OR USED TO PURCHASE BONDS, THE CONTRACT OBLIGATION OF THE DRAINAGE DISTRICT WITH RESPECT TO SUCH BONDS OR SUCH MATURITIES SHALL BE REDUCED ACCORDINGLY.

8. CHANGE IN STATUS. NO CHANGE IN THE JURISDICTION OVER TERRITORY IN THE DRAINAGE

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District or the Township shall in any manner impair the obligations of this Contract.

9. Additions to or Extensions of Project. The City shall not be obligated to acquire or construct any facilities other than those described in paragraph 2 above. The responsibility for providing additional storm water facilities as may be needed shall be that of the Drainage District. No extensions of the Project shall be made without City approval unless such extension does not involve the assistance of the City in the financing of the same.

10. ownership of Project. The City, subject to the terms of this Contract, shall have legal title to the Sanitary Sewer Portion of the Project. The Drainage District, subject to the terms of this Contract, shall have legal title to the Storm Sewer Portion of the Project.

11. Costs and expenses. The parties agree that the costs and expenses of any lawsuits arising directly or indirectly out of this Contract or the construction or financing of the Project, to the extent that such costs and expenses are chargeable against the City, shall be deemed to constitute a part of the Cost of the Project and shall be paid by the City and the Drainage District in the same manner as provided in this Contract with respect to other Costs of the Project. In the event of such litigation, the City shall consult with the Drainage District and shall retain legal counsel agreeable to the City and the Drainage District to represent the City. If the City and the Drainage District cannot agree as to such representation within a reasonable time, the City shall exercise its discretion as to the retention of such counsel.

12. Invalidity of Provisions. In the event that any one or more of the provisions of this Contract shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Contract, but this Contract shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

13. No Impairment of Bondholders' Interests. The City and the Drainage District each recognize and declare that the holders from time to time of the Bonds issued by the City under the provisions of Act 45 1, and secured by the pledge of the Drainage District to the payment of the principal of and interest on the Bonds as set forth in this Contract, will have contractual rights in this Contract and it is therefore covenanted and agreed by each of the parties that so long as any of the Bonds remain outstanding and unpaid, the provisions of this Contract shall not be subject to any alteration or revision which would in any manner adversely affect either the security of the Bonds or the prompt payment of principal of or interest on the Bonds. The right to make changes in this Contract, by amendment, supplemental contract or otherwise, is nevertheless reserved insofar as the same do not have such adverse affect. The Drainage District and the City further covenant and agree that they will each comply with their respective duties and obligations under the terms of this Contract at the times and in the manner set forth in this Contract, and will not suffer to be done any act which would in any way impair the Bonds, the security for them, or the prompt payment of principal of and interest on the Bonds.

14. Investment of Funds. It is understood that an authorized agent of the City will have the responsibility to invest all funds coming into the City's possession in connection with the Project. The City is accordingly authorized to invest any such surplus funds in any obligations permitted by law and credit investment earnings on any funds held in excess of sixty (60) days for the benefit of the Drainage District to the fund earning the same.

15. Miscellaneous.

a. Effective Date. This Contract shall become effective after approval by the legislative body of the City and by the Drainage Board of the Drainage District, and execution by the authorized officials of the parties. It shall terminate 40 years from its date or upon the earlier payment in full of all principal of, premium, if any, and interest on the Bonds.

b. Counterparts. This Contract may be executed in several counterparts each of which shall be deemed one and the same agreement. It shall be binding upon and inure to the benefit of the parties to it and their respective successors and assigns.

c. Contingency. This Contract is contingent upon the City issuing its Bonds to defray the cost of acquiring and constructing the Project, and nothing contained in this Contract shall require the City to acquire or construct the Project if it is unable, after use of its best efforts, to sell the Bonds to finance the same.

d. Governing Law. This Contract shall be interpreted under the laws of the State of Michigan.

e. Authority. Each party warrants and represents that the execution and performance

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OF THIS CONTRACT HAVE BEEN DULY AUTHORIZED BY ALL NECESSARY ACTION AND DO NOT CONTRAVENE ANY POLICY, RESOLUTION OR CONTROLLING RULE.

F. ENTIRE AGREEMENT. THIS AGREEMENT SETS FORTH THE ENTIRE AGREEMENT BETWEEN THE CITY AND THE DRAINAGE DISTRICT WITH RESPECT TO THE SUBJECT MATTER OF THIS CONTRACT.

G. CAPTIONS AND BYLINES. THE CAPTIONS AND BYLINES USED IN THIS CONTRACT ARE FOR THE CONVENIENCE OF REFERENCE ONLY AND IN NO WAY DEFINE, LIMIT OR DESCRIBE THE SCOPE OR INTENT OF ANY PROVISION OF THIS AGREEMENT.

H. USE OF THE SINGULAR. THE USE IN THIS CONTRACT OF THE SINGULAR SHALL BE DEEMED TO BE AND INCLUDE THE PLURAL (AND VICE VERSA) WHERE APPLICABLE.

IN WITNESS WHEREOF, THE PARTIES HAVE CAUSED THIS CONTRACT TO BE EXECUTED AND DELIVERED, BY THEIR RESPECTIVE DULY AUTHORIZED OFFICERS, ALL AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

CITY OF LANSING	INGHAM COUNTY TOLLGATE DRAIN DRAINAGE DISTRICT
BY:_____	BY:_____
ITS:_____	ITS:_____

EXHIBIT A
DESCRIPTION OF THE PROJECT

THE PROJECT SHALL CONSIST OF THE SEPARATION OF COMBINED SEWERS IN THE TOLLGATE DRAIN AREA (LANSING TOWNSHIP, NORTH OF EAST GRAND RIVER AVENUE, EAST OF WOOD STREET), INCLUDED IN PHASE 11, SEGMENT 3 OF THE COMBINED SEWER OVERFLOW IMPROVEMENTS PROJECT PLAN REQUIRED BY THE NPDES PERMIT, AND INCLUDING BOTH THE SANITARY SEWER PORTION OF THE PROJECT AND THE STORM SEWER PORTION OF THE PROJECT DESCRIBED BELOW.

SANITARY SEWER PORTION OF THE PROJECT:

THE SANITARY SEWER PORTION OF THE PROJECT SHALL INCLUDE THOSE PORTIONS OF THE PROJECT DEEMED TO CONSTITUTE IMPROVEMENTS TO THE CITY'S SANITARY SEWER SYSTEM, INCLUDING THOSE IMPROVEMENTS INDICATED ON (INCLUDING THE ESTIMATED PROJECT COSTS THEREFOR) THE ATTACHED SCHEDULE.

STORM SEWER PORTION OF THE PROJECT:

THE STORM SEWER PORTION OF THE PROJECT SHALL INCLUDE THOSE PORTIONS OF THE PROJECT DEEMED TO CONSTITUTE IMPROVEMENTS TO THE DRAINAGE DISTRICT'S STORM SEWER SYSTEM, INCLUDING THOSE IMPROVEMENTS INDICATED ON (INCLUDING THE ESTIMATED PROJECT COSTS THEREFOR) THE ATTACHED SCHEDULE.

RESOLUTION #418
CITY OF LANSING
COUNTIES OF INGHAM AND EATON, STATE OF MICHIGAN
RESOLUTION AUTHORIZING ISSUANCE AND SALE OF A COMBINED SEWER OVERFLOW LIMITED TAX GENERAL OBLIGATION BOND
(PHASE 11, SEGMENT 3), SERIES I

WHEREAS, THE STATE OF MICHIGAN WATER RESOURCES COMMISSION HAS ISSUED A WASTEWATER TREATMENT FACILITIES NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT NO. MI 0023400 (THE "NPDES PERMIT") REQUIRING THE CITY OF LANSING (THE "CITY") TO DEVELOP A FINAL COMBINED SEWER OVERFLOW CONTROL PROGRAM (THE "CSO CONTROL PROGRAM") TO BE SUBMITTED TO THE STATE OF MICHIGAN ACTING THROUGH ITS DEPARTMENT OF NATURAL RESOURCES (SUBSEQUENTLY RESTRUCTURED AND RENAMED THE DEPARTMENT OF ENVIRONMENTAL QUALITY AND COLLECTIVELY HEREAFTER REFERRED TO AS THE "DEQ") FOR APPROVAL; AND

WHEREAS, BY A LETTER DATED MARCH 9, 1992 TO THE CITY CLERK, DEQ, ACTING THROUGH ITS SUPERVISOR OF THE SURFACE WATER QUALITY DIVISION, HAS APPROVED THE CSO CONTROL PROGRAM SUBMITTED BY THE CITY IN COMPLIANCE WITH THE NPDES PERMIT; AND

WHEREAS, ACT 320, PUBLIC ACTS OF MICHIGAN, 1927, AS AMENDED, REPEALED AND RECODIFIED BY ACT 451, PUBLIC ACTS OF MICHIGAN 1994 ("ACT 451") ENABLES A CITY TO ISSUE AND SELL BONDS TO FINANCE CONSTRUCTION OF IMPROVEMENTS REQUIRED BY A PERMIT ISSUED BY THE STATE OF MICHIGAN WATER RESOURCES COMMISSION; AND

WHEREAS, THE CITY COUNCIL HAS STATED ITS INTENTION TO AUTHORIZE THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES PURSUANT TO ACT 451 IN AN AMOUNT NOT TO EXCEED SIX MILLION DOLLARS ($6,000,000) FOR THE PURPOSE OF SEPARATING COMBINED SEWERS IN TOLLGATE DRAIN AREA (LANSING TOWNSHIP, NORTH OF EAST GRAND RIVER AVENUE, EAST OF WOOD STREET), (THE "PROJECT"), INCLUDED IN PHASE 11, SEGMENT 3 OF THE COMBINED SEWER OVERFLOW IMPROVEMENTS PROJECT PLAN REQUIRED BY THE NPDES PERMIT; AND

WHEREAS, A PORTION OF THE PROCEEDS OF THE BOND WILL BE USED TO FINANCE CERTAIN STORM WATER IMPROVEMENTS RELATED TO THE TOLLGATE DRAIN, THE COST OF WHICH WILL BE REPAID TO THE CITY OVER TIME BY THE INGHAM COUNTY TOLLGATE DRAIN DRAINAGE DISTRICT (THE "DRAINAGE DISTRICT"), PURSUANT TO A CONTRACT WITH THE DRAINAGE DISTRICT DATED AS OF SEPTEMBER 1, 1996 (THE "CONTRACT"); AND

WHEREAS, PLANS AND SPECIFICATIONS FOR THE

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Improvements have been prepared by the City's consulting engineers and submitted for approval by the DEQ; and

WHEREAS, the City Council previously approved a Notice of Intent to Issue Bonds For Public Service Department Combined Sewer Overflow Project Resolution, which, in compliance with the requirements of Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended, required the City Clerk to cause to be published, on or before August 2, 1996, in the Lansing- State Journal, an Official Notice to Electors and Taxpayers of the City of Lansing of Intent to Issue Bonds (the "Notice of Intent") which describes the bonds to be issued to finance construction of the Improvements; and

WHEREAS, Chapter 111, Section 12(d) of the Municipal Finance Act, Act 202 of the Public Acts of Michigan, 1943, as amended, permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates; prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, Place of delivery and payment, and other matters and procedures necessary to complete the authorized transaction;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Improvements. Pursuant to the CSO Control Program approved by DEQ in accordance with the NPDES Permit, the City shall acquire and construct the Improvements. The estimated period of usefulness of the Improvements is not less than forty (40) years.

2. Authorized Officers. The term "Authorized Officer" as used in this Resolution shall refer to any one of the following City officers: the Director of Finance, the Director of Public Service, the Mayor, or the City Clerk.

3. Authorization of Bond Issuance. A bond of the City designated COMBINED SEWER OVERFLOW LIMITED TAX GENERAL OBLIGATION BOND (PHASE 11, SEGMENT 3) Series I (the "Bond") is authorized to be issued for the purpose of paying a portion of the costs of the Improvements, including capitalized interest and costs incidental to the issuance, sale and delivery of the Bond.

The Bond shall not be issued or delivered unless the City has received an order of prior approval to issue the Bond or an order of exception from prior approval from the Municipal Finance Division of the State of Michigan Department Treasury.

The Bond shall not be issued or delivered unless the City has received approval from the DEQ of the plans and specifications for the Improvements.

4. Bond Details. The Bond shall be issued in the aggregate principal sum of Four Million Five Hundred Thousand Dollars ($4,500,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DEQ and the Michigan Municipal Bond Authority (the "Authority"), pursuant to the Notice of Intent.

The Bond shall be issued in substantially the form of Appendix A, with such modifications as may be necessary to reflect changes in Bond terms or details deter-mined by an Authorized Officer at or prior to the time of sale pursuant to authority granted by this Resolution. The Authorized Officer shall have the authority to make such changes in the form of bond as shall be requested by the Authority, deemed reasonable by an Authorized Officer and not in conflict with the law or provisions of this Resolution. The Bond shall be in the form of a single fully-registered, nonconvertible, non-changeable bond of the denomination of the Principal Amount, dated as of the date of delivery of the Bond, or such other date as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

The Bond shall be payable in serial principal installments on April 1 of each year beginning April 1, 1998, or on such other dates as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority. The schedule of serial principal installments shall be determined by an Authorized officer at the time of sale of the Bond and approved by DEQ and the Authority. Interest on the Bond will be payable as provided under Section 5, on October 1, 1996, and semiannually thereafter on April 1 of and October 1 of each year until maturity or earlier prepayment of said installment, or on such other dates as determined by an Authorized Officer at the time of the sale of the Bond and approved by the DEQ and the Authority.

The Bond or serial principal installments thereof will be subject to prepayment prior

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to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

Final determination of certain Bond details, including the Principal Amount and the dates and amounts of principal installments, shall be evidenced by execution of the Purchase Contract to be executed between the City and the Authority as described below.

5. Sale of Bond-, Calculation of Repayment Obligations. The City shall sell the Bond to the Authority at par value and at an interest rate of not to exceed two and one-quarter percent (2.25%) per annum. The Bond shall be delivered in accordance with the delivery instructions of the Authority.

Proceeds of the sale of the Bond shall not be received in one lump sum. Rather, the Authority shall purchase principal installments of the Bond (the "purchased principal installments") from the Authority as such purchases are approved by the DEQ. These purchased principal installments shall be deemed to correspond to the serial principal installments contained in the Bond in direct chronological order of said serial principal installments. The City shall have no obligation to repay any serial principal installments for which the City did not receive proceeds from corresponding purchased principal installments of at least a like amount.

Interest on the Bond shall only accrue on the purchased installments, and shall accrue based on the amount of and purchase date of such installments.

In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding purchased principal installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule acceptable to the City.

6. Bond Register, Record of Payments. The Bond shall be registered on the bond register maintained by the Finance Director. The Finance Director shall record on the bond register payment by the City of each installment of principal or interest or both when made and the canceled checks or other records evidencing such payments shall be returned to and retained by the Finance Director and shall be conclusive evidence of such payments and the obligation of the City with respect to such payments shall be discharged to the extent of such payments.

Upon payment by the City of all outstanding principal of and interest on the Bond, the Authority shall deliver the Bond to the City for cancellation.

7. Execution and Delivery. The Bond shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the Clerk of the City (provided that at least one of the signatures on the Bond shall be a manual signature) and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bond. After execution, the Bond shall be delivered to the Authority by the Finance Director or his designee.

8. LTGO Nature of Bond. The bond shall be a limited tax general obligation of the City. As such, it shall be payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations. Commencing with the year 1997, there shall be levied upon the tax rolls of the City in the manner required by the provisions of Act 202, Public Acts of Michigan, 1943, as amended, an amount such that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bond becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other monies to make the required payments on the Bond, then the City shall take such monies into account in determining such annual levy.

9. Debt Retirement Payments. The Finance Director is authorized and directed to open a separate depositary account with a bank or trust company to be designated CSO DEBT

RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bond and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements as such principal and interest become due. The Finance Director shall deposit into the Debt Retirement Fund from proceeds of the Bond an amount representing capitalized interest for a period to be approved by DEQ and the Authority but not to exceed three years from

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THE DATE OF DELIVERY OF THE BOND. ALL MONEYS COLLECTED BY THE CITY PURSUANT TO THE CONTRACT, AND ALL PROCEEDS FROM TAXES LEVIED FOR THE DEBT RETIREMENT FUND SHALL BE DEPOSITED INTO THE DEBT RETIREMENT FUND AS COLLECTED. THE FINANCE DIRECTOR IS FURTHER AUTHORIZED AND DIRECTED TO PAY, OR CAUSE TO BE PAID, FROM THE DEBIT RETIREMENT FUND OR OTHER AVAILABLE FUNDS, ALL PAYMENTS OF PRINCIPAL, IF ANY, AND INTEREST ON THE BOND TO THE AUTHORITY'S DEPOSITORY, OR IN THE EVENT THE AUTHORITY IS NO LONGER THE OWNER OF THE BOND, TO THE OWNER OF THE BOND, IN ACCORDANCE WITH THE REQUIREMENTS OF THE BOND.

10. CONSTRUCTION FUND. THE PROCEEDS OF THE BOND (EXCEPT CAPITALIZED INTEREST AS PROVIDED ABOVE) AND THE PRIOR SERIES OF BONDS ISSUED BY THE CITY FOR THE PURPOSES OF COMPLETING CONSTRUCTION OF THE IMPROVEMENTS AND NO OTHER MONEYS SHALL BE DEPOSITED IN A FUND DESIGNATED AS THE CSO LIMITED TAX GENERAL OBLIGATION BOND CONSTRUCTION FUND (THE "CONSTRUCTION FUND"). SAID MONEYS SHALL BE USED SOLELY FOR THE PURPOSES FOR WHICH THE BOND, AND OTHER BONDS ISSUED FOR THE CSO CONTROL PROGRAM, ARE ISSUED. ANY UNEXPENDED BALANCE OF THE PROCEEDS OF THE SALE OF THE BOND REMAINING AFTER COMPLETION OF THE IMPROVEMENTS HEREIN AUTHORIZED MAY BE USED AT THE DISCRETION OF THE DIRECTOR OF PUBLIC SERVICE FOR FURTHER IMPROVEMENTS INCLUDED IN THE CSO CONTROL PROGRAM REQUIRED BY THE NPDES PERMIT. ANY REMAINING BALANCE AFTER SUCH EXPENDITURE SHALL BE USED FOR THE PREPAYMENT OF INSTALLMENTS OF THE BOND OR THE PURCHASE OF INSTALLMENTS OF THE BOND AT NOT MORE THAN THE FAIR MARKET VALUE THEREOF.

AFTER COMPLETION OF THE IMPROVEMENTS AND DISPOSITION OF REMAINING PROCEEDS, IF ANY, OF THE BOND PURSUANT TO THE PROVISIONS OF THIS SECTION, THE CONSTRUCTION FUND MAY BE CLOSED.

11. MUTILATED, LOST, STOLEN OR DESTROYED BONDS. IN THE EVENT ANY BOND IS MUTILATED, LOST, STOLEN OR DESTROYED, THE MAYOR AND THE CITY CLERK MAY, ON BEHALF OF THE CITY, EXECUTE AND DELIVER A NEW BOND HAVING A NUMBER NOT THEN OUTSTANDING, OF LIKE DATE, MATURITY AND DENOMINATION AS THAT MUTILATED, LOST, STOLEN OR DESTROYED.

IN THE CASE OF A MUTILATED BOND, A REPLACEMENT BOND SHALL NOT BE DELIVERED UNLESS AND UNTIL SUCH MUTILATED BOND IS SURRENDERED TO THE CITY. IN THE CASE OF A LOST, STOLEN OR DESTROYED BOND A REPLACEMENT BOND SHALL NOT BE DELIVERED UNLESS AND UNTIL THE CITY SHALL HAVE RECEIVED SUCH PROOF OF OWNERSHIP AND LOSS AND INDEMNITY AS THEY DETERMINE TO BE SUFFICIENT, WHICH SHALL CONSIST AT LEAST OF (I) A LOST INSTRUMENT BOND FOR PRINCIPAL AND INTEREST REMAINING UNPAID ON THE LOST, STOLEN OR DESTROYED BOND; (II) AN AFFIDAVIT OF THE REGISTERED OWNER (OR HIS OR HER ATTORNEY) SETTING FORTH OWNERSHIP OF THE BOND LOST, STOLEN OR DESTROYED AND THE CIRCUMSTANCES UNDER WHICH IT WAS LOST, STOLEN OR DESTROYED; (III) THE AGREEMENT OF THE OWNER OF THE BOND (OR HIS OR HER ATTORNEY) TO FULLY INDEMNIFY THE CITY AGAINST LOSS DUE TO THE LOST, STOLEN OR DESTROYED BOND AND THE ISSUANCE OF ANY REPLACEMENT BOND IN CONNECTION THEREWITH; AND (IV) THE AGREEMENT OF THE OWNER OF THE BOND (OR HIS OR HER ATTORNEY) TO PAY ALL EXPENSES OF THE CITY IN CONNECTION WITH THE REPLACEMENT, INCLUDING THE TRANSFER AND EXCHANGE COSTS WHICH OTHERWISE WOULD BE PAID BY THE CITY.

12. ARBITRATE AND TAX COVENANTS. THE CITY HEREBY COVENANTS THAT, TO THE EXTENT PERMITTED BY LAW, IT SHALL TAKE ALL ACTIONS WITHIN ITS CONTROL NECESSARY TO MAINTAIN THE EXCLUSION OF THE INTEREST ON THE BOND FROM ADJUSTED GROSS INCOME FOR GENERAL FEDERAL INCOME TAX PURPOSES UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), INCLUDING BUT NOT LIMITED TO, ACTIONS RELATING TO THE REBATE OF ARBITRAGE EARNINGS, IF APPLICABLE, AND THE EXPENDITURE AND INVESTMENT OF BOND PROCEEDS AND MONEYS DEEMED TO BE BOND PROCEEDS.

13. APPROVAL OF DOCUMENTS. THE PROPOSED FORM-N OF PURCHASE CONTRACT BETWEEN THE CITY AND THE AUTHORITY (THE "PURCHASE CONTRACT"), THE PROPOSED FORM OF ISSUER'S CERTIFICATE TO BE EXECUTED BY THE CITY AND THE PROPOSED FORM OF SUPPLEMENTAL AGREEMENT AMONG THE CITY, THE AUTHORITY AND THE DEQ (THE "SUPPLEMENTAL AGREEMENT") ON FILE WITH THE CITY CLERK ARE HEREBY APPROVED. THE AUTHORIZED OFFICERS ARE HEREBY JOINTLY OR SEVERALLY AUTHORIZED TO EXECUTE AND DELIVER THE PURCHASE CONTRACT, THE ISSUER'S CERTIFICATE, AND THE SUPPLEMENTAL AGREEMENT UPON COMPLETION, IN THE FORMS APPROVED HEREBY WITH SUCH REVISIONS AS THEY MAY DETERMINE TO BE NECESSARY OR DESIRABLE, PERMITTED BY LAW, AND NOT MATERIALLY ADVERSE TO THE CITY.

14. GENERAL AUTHORITY FOR AUTHORIZED OFFICERS. THE AUTHORIZED OFFICERS ARE HEREBY .JOINTLY OR SEVERALLY AUTHORIZED TO TAKE ANY ACTIONS NECESSARY TO COMPLY WITH REQUIREMENTS OF THE AUTHORITY AND DEQ IN CONNECTION WITH SALE OF THE BOND TO THE AUTHORITY. THE AUTHORIZED OFFICERS ARE HEREBY JOINTLY OR SEVERALLY AUTHORIZED TO EXECUTE AND DELIVER SUCH OTHER CERTIFICATES, DOCUMENTS, INSTRUMENTS, AND OTHER PAPERS AS MAY BE REQUIRED BY THE AUTHORITY OR DEQ OR AS MAY BE OTHERWISE NECESSARY OR CONVENIENT TO EFFECT THE DELIVERY OF THE BOND.

15. CONFLICTING RESOLUTIONS. ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION ARE RESCINDED.

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By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Benavides, Jones, Leeman, Novak

NAYS: Councilmembers Beal, Lilly

EXHIBIT A
UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON
CITY OF LANSING
COMBINED SEWER OVERFLOW LIMITED TAX
GENERAL OBLIGATION BOND
(Phase I I, Segment 3), Series I

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority") the sum of _____ Dollars ($) (the "Principal Amount") or so much thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority, and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Natural Resources. During the time funds are being drawn down by the City under this Bond, the Authority will periodically provide the City with a statement showing the amount of principal that has been advanced and the data of each advance, which statement shall constitute prima facie evidence of the reported information; provided, that no failure on the part of the Authority), to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond. The Principal Amount shall be payable on the dates and in the serial principal installment amounts set forth in Schedule A attached hereto and made a part hereof. Interest on the Bond shall accrue only on installments of the Principal Amount which have been purchased by the Authority, and shall accrue from the date each said installment is delivered to the City until repaid by the City at the rate of two and one-quarter percent (2.25%) per annum, payable on April 1, 1997, and semiannually thereafter. In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding purchased principal installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule which shall be presented to the City Council for approval.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, premium, if any, and interest at the corporate trust office of NBD Bank, N.A., or at such other Place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, premium, if any, and interest on this Bond in immediately available funds at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserve account established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

This Bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued for the purpose of constructing Improvements pursuant to the State of Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 as now in force or as hereafter revised. This Bond

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IS ISSUED UNDER THE PROVISIONS OF ACT 320, PUBLIC ACTS OF MICHIGAN, 1927, AS AMENDED, REPEALED AND RECODIFIED BY ACT 45 1, PUBLIC ACTS OF MICHIGAN, 1994 ("ACT 451 ") AND A RESOLUTION DULY ADOPTED BY THE CITY COUNCIL. THIS BOND IS A LIMITED TAX GENERAL OBLIGATION OF THE CITY, PAYABLE AS A FIRST BUDGET OBLIGATION FROM THE GENERAL FUND OF THE CITY AND FROM TAXES IMPOSED ON ALL TAXABLE PROPERTY IN THE CITY, SUBJECT TO APPLICABLE CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS.

PRINCIPAL INSTALLMENTS OF THIS BOND ARE SUBJECT TO PREPAYMENT BY THE CITY PRIOR TO MATURITY ONLY WITH THE PRIOR WRITTEN CONSENT OF THE AUTHORITY AND ON SUCH TERMS AS MAY BE REQUIRED BY THE AUTHORITY.

THIS BOND SHALL BE REGISTERED AS TO PRINCIPAL AND INTEREST ON THE BOOKS OF THE CITY KEPT BY THE FINANCE DIRECTOR AND MAY BE TRANSFERRED ONLY UPON SURRENDER OF THIS BOND BY THE REGISTERED OWNER OF RECORD IN PERSON, OR BY REGISTERED OWNER'S ATTORNEY DULY AUTHORIZED IN WRITING, TO THE FINANCE DIRECTOR TOGETHER WITH A WRITTEN INSTRUMENT OF TRANSFER SATISFACTORY TO THE FINANCE DIRECTOR DULY EXECUTED BY THE REGISTERED OWNER OR THE REGISTERED OWNER'S ATTORNEY DULY AUTHORIZED IN WRITING, AND THEREUPON A NEW REGISTERED BOND IN THE SAME AGGREGATE PRINCIPAL AMOUNT AND OF THE SAME MATURITY SHALL BE ISSUED TO THE TRANSFEREE IN EXCHANGE THEREFOR.

IT IS HEREBY CERTIFIED AND RECITED THAT ALL ACTS, CONDITIONS AND THINGS REQUIRED BY LAW TO BE DONE, PRECEDENT TO AND IN THE ISSUANCE OF THIS BOND EXIST AND HAVE BEEN DONE AND PERFORMED IN REGULAR AND DUE FORM AND TIME AS REQUIRED BY LAW, AND THAT THE TOTAL INDEBTEDNESS OF THE CITY, INCLUDING THIS BOND, DOES NOT EXCEED ANY CONSTITUTIONAL, STATUTORY OR CHARTER DEBT LIMITATION.

IN WITNESS WHEREOF, THE CITY, BY ITS CITY COUNCIL, HAS CAUSED THIS BOND TO BE SIGNED IN THE NAME OF THE CITY BY THE MANUAL SIGNATURES OF ITS MAYOR AND CLERK AND ITS CORPORATE SEAL OR A FACSIMILE THEREOF TO BE IMPRESSED HEREON, ALL AS OF 1 1996.

CITY OF LANSING
COUNTIES OF INGHAM AND EATON
STATE OF MICHIGAN
BY:
DAVID C. HOLLISTER
ITS MAYOR
(SEAL)
BY:
MARILYNN SLADE
CITY CLERK

EXHIBIT A,

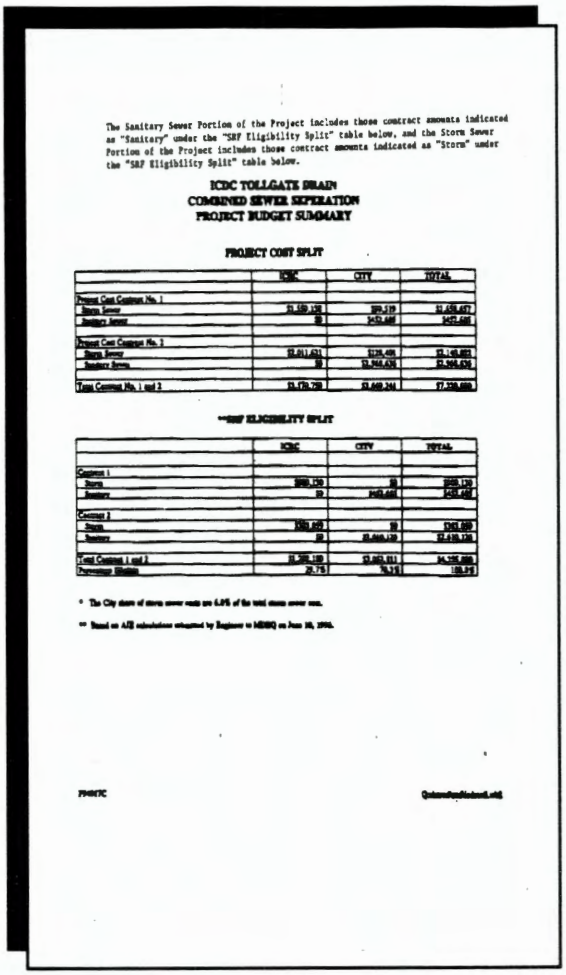
The following payment schedule indicates repayment by the City of Principal Amount due n this Bond. Repayment of the Principal Amount shall be made according to this schedule until e full Principal Amount disbursed to the City is repaid; provided, however, that the City shall have o obligation to repay any serial principal installment for which the City did not receive a isbursement of Principal Amount by the date such serial principal installment is due. In such an ent or in the event of prepayment of the Bond, the Authority may prepare a new payment schedule tisfactory to the City.

Principal Installment Due on April 1	Amount of Serial Principal Installment
1998	,000
1999	,000
2000	,000
2001	,000
2002	,000
2003	,000
2004	,000
2005	,000
2006	,000
2007	,000
2008	,000
2009	,000
2010	,000
2011	,000
2012	,000
2013	,000
2014	,000
2015	,000
2017	,000
2017	,000
	$,000

N 6533
ADF

Exhibit A, Page 4 of 4

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The Sanitary Sewer Portion of the Project includes those contract amounts indicated as "Sanitary" under the "SRF Eligibility Split" table below, and the Storm Sewer Portion of the Project includes those contract amounts indicated as "Storm" under the "SRF Eligibility Split" table below.

ICDC TOLLGATE DRAIN
COMBINED SEWER SEPERATION
PROJECT BUDGET SUMMARY

PROJECT COST SPLIT

	ICDC	CITY	TOTAL
Project Cost Contract No. 1			
Storm Sewer	$1,320,120	$89,119	$1,409,457
Sanitary Sewer	$0	$425,680	$425,680
Project Cost Contract No. 2			
Storm Sewer	$2,811,631	$136,406	$2,148,037
Sanitary Sewer	$0	$2,960,630	$2,960,630
Total Contract Nos. 1 and 2	$3,170,750	$3,609,244	$7,339,804

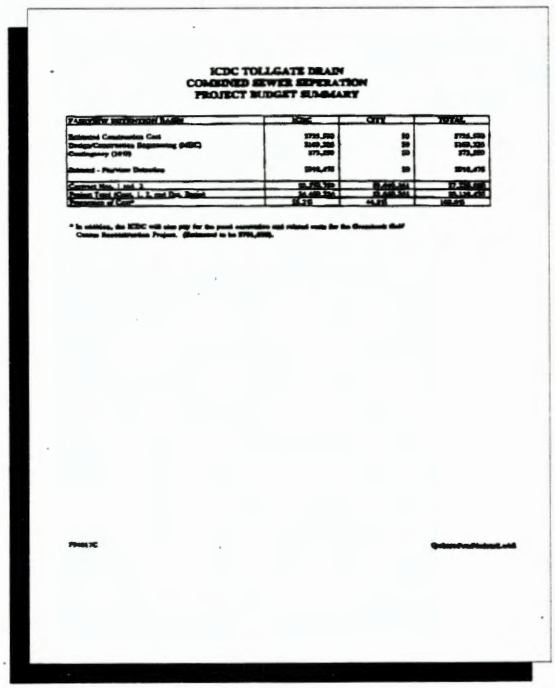
**SRF ELIGIBILITY SPLIT

	ICDC	CITY	TOTAL
Contract 1			
Storm	$989,120	$0	$989,120
Sanitary	$0	$425,680	$425,680
Contract 2			
Storm	$581,605	$0	$581,605
Sanitary	$0	$2,960,630	$2,960,630
Total Contract 1 and 2	$1,570,725	$3,385,311	$4,956,036
Percentage Shares	29.7%	70.3 %	100.0%

* The City shares of storm sewer costs are 6.8% of the total storm sewer cost.

** Based on AJE calculations submitted by Engineer to MDEQ on June 30, 1996.

FP#97C



ICDC TOLLGATE DRAIN
COMBINED SEWER SEPERATION
PROJECT BUDGET SUMMARY

FUNDING INSTITUTION NAME	ICDC	CITY	TOTAL
Estimated Construction Cost	$3,170,750	$0	$3,170,750
Design/Construction Engineering (4.0%)	$169,250	$0	$169,250
Contingency (10.0%)	$73,250	$0	$73,250
Subtotal - Previous Estimates	$3,413,250	$0	$3,413,250
Contract Nos. 1 and 2	$1,570,750	$3,385,311	$4,956,061
Project Total (Cont. 1, 2, and Eng. Basis)	$4,483,750	$3,385,311	$7,869,061
Percentage of Cost	57.0%	43.0%	100.0%

* In addition, the ICDC will also pay for the pond excavation and related costs for the Groesbeck Golf Course Reconstruction Project. (Estimated to be $700,000).

FP#97C

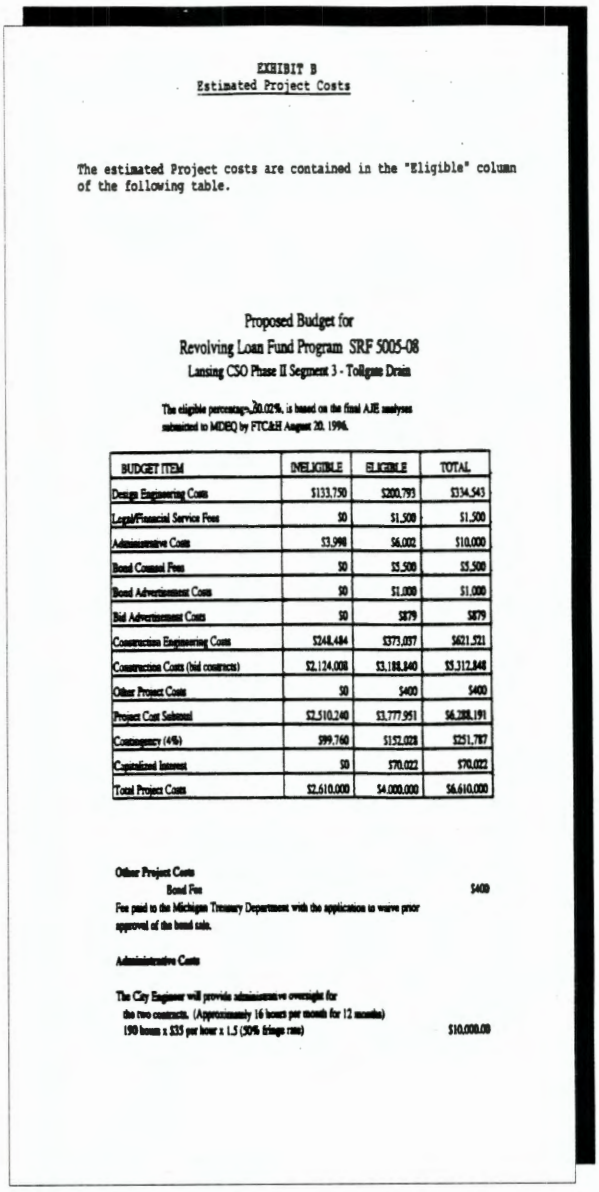


EXHIBIT B
Estimated Project Costs

The estimated Project costs are contained in the "Eligible" column of the following table.

Proposed Budget for
Revolving Loan Fund Program SRF 5005-08
Lansing CSO Phase II Segment 3 - Tollgate Drain

The eligible percentage, 30.02%, is based on the final AJE analyses submitted to MDEQ by FTC&H August 20, 1996.

BUDGET ITEM	INELIGIBLE	ELIGIBLE	TOTAL
Design Engineering Costs	$133,750	$200,793	$334,543
Legal/Financial Service Fees	$0	$1,500	$1,500
Administrative Costs	$3,998	$6,002	$10,000
Bond Counsel Fees	$0	$3,500	$3,500
Bond Advertisement Costs	$0	$1,000	$1,000
Bid Advertisement Costs	$0	$879	$879
Construction Engineering Costs	$244,484	$375,037	$621,521
Construction Costs (bid contracts)	$2,124,008	$3,188,840	$5,312,848
Other Project Costs	$0	$400	$400
Project Cost Subtotal	$2,510,240	$3,777,951	$6,288,191
Contingency (4%)	$99,760	$152,028	$251,787
Capitalized Interest	$0	$70,022	$70,022
Total Project Costs	$2,610,000	$4,000,000	$6,610,000

Other Project Costs
Bond Fee $400
Fee paid to the Michigan Treasury Department with the application to waive prior approval of the bond sale.

Administrative Costs

The City Engineer will provide administrative oversight for the two contracts. (Approximately 16 hours per month for 12 months)
190 hours x $35 per hour x 1.5 (50% fringe rate) $10,000.00

EXHIBIT C
DRAINAGE DISTRICT CERTIFICATE

THIS DRAINAGE DISTRICT CERTIFICATE (THE "CERTIFICATE") IS DELIVERED BY THE UNDERSIGNED ON BEHALF OF THE TOLLGATE DRAIN DRAINAGE DISTRICT, INGHAM COUNTY, MICHIGAN (THE "DISTRICT") IN CONNECTION WITH AND PURSUANT TO A CONTRACT BETWEEN THE CITY OF LANSING (THE "CITY") AND THE DISTRICT DATED AS OF SEPTEMBER 1, 1996 (THE "CONTRACT"). CAPITALIZED TERMS NOT DEFINED HEREIN SHALL HAVE THE SAME MEANINGS SET FORTH IN THE CONTRACT.

1. GENERAL REPRESENTATIONS. THE DISTRICT REPRESENTS AND WARRANTS TO, AND AGREES WITH THE

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CITY, AS OF THE DATE HEREOF, AS FOLLOWS:

(A) EXCEPT AS MAY HAVE BEEN DISCLOSED IN WRITING TO THE CITY BEFORE THE DATE HEREOF, THE DISTRICT HAS NOT BEEN SERVED WITH ANY LITIGATION (AND TO THE KNOWLEDGE OF THE ISSUER NO LITIGATION HAS BEEN COMMENCED OR IS THREATENED) AGAINST THE DISTRICT, IN ANY COURT, QUESTIONING THE CONSTITUTIONALITY OF ANY STATUTE, OR THE VALIDITY OF ANY PROCEEDINGS AUTHORIZING THE EXECUTION OF THE CONTRACT, QUESTIONING THE VALIDITY OR ENFORCEABILITY OF THE CONTRACT, TO SECURE A LIEN OR ANY AND ALL REVENUES, TAXES, FEES, SPECIAL ASSESSMENTS OR OTHER MONEYS, SECURITIES, FUNDS AND PROPERTY PLEDGED IN THE DISTRICT THAT ARE A SOURCE OF PAYMENTS PURSUANT TO THE CONTRACT AND WHICH WOULD MATERIALLY IMPAIR THE ABILITY OF THE DISTRICT TO MEET ITS PAYMENT OBLIGATIONS UNDER THE CONTRACT OR WHICH MIGHT IN ANY MATERIAL RESPECT ADVERSELY AFFECT THE TRANSACTIONS CONTEMPLATED IN THIS CERTIFICATE, AND NO RIGHT OF ANY MEMBER OF THE GOVERNING BODY OF THE DISTRICT TO HIS OR HER OFFICE IS BEING CONTESTED.

(B) THE EXECUTION AND DELIVERY OF THIS CERTIFICATE AND THE CONTRACT, AND THE FULFILLMENT OF THE TERMS AND CONDITIONS OF, AND THE CARRYING OUT OF THE TRANSACTIONS CONTEMPLATED BY THIS CERTIFICATE AND THE CONTRACT DO NOT AND WILL NOT CONFLICT WITH OR CONSTITUTE ON THE PART OF THE DISTRICT A BREACH OF, OR A DEFAULT UNDER ANY EXISTING LAW (INCLUDING, WITHOUT LIMITATION, THE MICHIGAN CONSTITUTION) ANY COURT OR ADMINISTRATIVE REGULATION, DECREE OR ORDER OR ANY AGREEMENT, INDENTURE, MORTGAGE, OBLIGATION, LEASE OR OTHER INSTRUMENT TO WHICH THE DISTRICT I SUBJECT OR BY WHICH IT IS BOUND AND WHICH BREACH OR DEFAULT WOULD MATERIALLY AFFECT THE VALIDITY OR BINDING EFFECT OF THE CONTRACT OR THE ABILITY OF THE DISTRICT TO MEET ITS PAYMENT OBLIGATIONS UNDER THE CONTRACT, OR RESULT IN A DEFAULT OR LIEN ON ANY ASSETS OF THE DISTRICT. NO EVENT HAS OCCURRED OR IS CONTINUING WHICH WITH THE LAPSE OF TIME OR THE GIVING OF NOTICE, OR BOTH, WOULD CONSTITUTE A DEFAULT BY THE DISTRICT UNDER THE CONTRACT OR THIS CERTIFICATE.

2. GENERAL COVENANTS. THE DISTRICT ALSO REPRESENTS, WARRANTS AND COVENANTS TO THE CITY AS FOLLOWS:

(A) SPECIAL ASSESSMENTS SUPPORTING THE DISTRICT'S PAYMENT OBLIGATIONS UNDER THE CONTRACT WILL BE LEVIED AND COLLECTED IN A TIMELY FASHION PURSUANT TO THE DISTRICT'S RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL.

(B) THE DISTRICT AGREES THAT CONSTRUCTION OF THE PROJECT AS DESCRIBED IN EXHIBIT A ATTACHED TO THIS CERTIFICATE (THE "PROJECT") SHALL PROCEED IN A TIMELY FASHION AND THAT IT WILL EXERCISE ITS BEST EFFORT TO COMPLETE THE PROJECT IN ACCORDANCE WITH THE ESTIMATED DATE OF INITIATION OF OPERATION AS SET FORTH IN THE CITY'S APPLICATION TO THE MICHIGAN MUNICIPAL BOND AUTHORITY (THE "MMBA") AND THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (THE "DEQ") AND TO PROVIDE FROM FISCAL RESOURCES ALL MONIES IN EXCESS OF BOND PROCEEDS NECESSARY TO COMPLETE THE STORM-N SEWER PORTION OF THE PROJECT.

(C) THE DISTRICT WILL NOT VOLUNTARILY SELL, LEASE, ABANDON, DISPOSE OF OR TRANSFER ANY TITLE IT HAS TO THE PROJECT OR ANY PART THEREOF, INCLUDING LANDS AND INTEREST IN LANDS, BY SALE, MORTGAGE, LEASE OR OTHER ENCUMBRANCES, WITHOUT AN EFFECTIVE ASSIGNMENT OF OBLIGATIONS AND THE PRIOR WRITTEN CONSENT OF THE CITY, THE MMBA AND THE DEQ.

(D) TO THE EXTENT PERMITTED BY LAW, THE DISTRICT SHALL TAKE ALL ACTIONS WITHIN ITS CONTROL AND SHALL NOT FAIL TO TAKE ANY ACTION AS MAY BE NECESSARY TO MAINTAIN THE EXCLUSION OF INTEREST ON THE CITY'S BONDS FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES, INCLUDING BUT NOT LIMITED TO, ACTIONS RELATING TO THE EXPENDITURE AND INVESTMENT OF BOND PROCEEDS AND MONEYS DEEMED TO BE BOND PROCEEDS.

(E) THE DISTRICT WILL TAKE NO ACTION WHICH WOULD CAUSE THE BONDS TO BE PRIVATE ACTIVITY BONDS. THE DISTRICT WILL MAKE NO USE OF PROCEEDS OF THE BONDS WHICH WOULD MAKE THE BONDS FEDERALLY GUARANTEED.

(F) THE DISTRICT WILL OPERATE AND MAINTAIN THE STORM SEWER PORTION OF THE PROJECT IN GOOD REPAIR, WORKING ORDER AND OPERATING CONDITION.

(G) THE DISTRICT WILL MAINTAIN COMPLETE BOOKS AND RECORDS RELATING TO THE CONSTRUCTION, OPERATION AND FINANCIAL AFFAIRS OF THE PROJECT IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPALS (GAAP) AND GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS (GAGAS). THE DISTRICT WILL COOPERATE WITH THE CITY IN PREPARATION OF A FINAL PROJECT COMPLETION AUDIT PREPARED AS REQUIRED BY THE DEQ.

(H) THE DISTRICT WILL MAINTAIN AND CARRY INSURANCE ON ALL PHYSICAL PROPERTIES OF THE STORM SEWER PORTION OF THE PROJECT, OF THE KINDS AND IN THE AMOUNTS NORMALLY CARRIED BY MUNICIPALITIES ENGAGED IN THE OPERATION OF SIMILAR SYSTEMS. ALL MONEYS RECEIVED FOR LOSSES UNDER ANY SUCH INSURANCE POLICIES SHALL BE APPLIED TO THE

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replacement and restoration of the property damaged or destroyed or for repayment of the City's Bonds.

(l) The District will notify the City, the DEQ and the MMBA within 30 days of the occurrence of any event which, in the judgment of the District, will cause a material adverse change in the financial condition of the Project, or if the District has knowledge, of the system of which the Project is a part.

(j) The District agrees to comply with the disadvantaged business participation provisions of Executive Order 11625 (October 13, 1971) and Executive Order 12138 (May 18, 1979) whereby the District will report on its efforts to utilize Minority Business Enterprises (MBES) and Women's Business Enterprises (WBES) on the forms, and in the manner, prescribed by the DEQ.

(k) The District has the legal, managerial, institutional and financial capability to build, operate and maintain the Project as contemplated by the Contract.

(l) The District has, or will have prior to the start of construction, all applicable state and federal permits required for construction of the Project and will comply with the conditions set forth in such permits.

(m) No undisclosed fact or event, or pending litigation, will materially or adversely affect the Project, the prospects for its completion, or the District's ability to make timely repayments of its payment obligations under the Contract.

(n) The District will provide any necessary written authorizations to the City and DEQ and the Authority for the purpose of examining the physical plant of the Project and for examining, reviewing, or auditing the operational or financial records of the Project, and the District will require similar authorizations from all contractors, consultants, or agents with which the District negotiates an agreement.

(o) All pertinent records shall be retained and available to the City, DEQ and the MMBA for a minimum of 3 years after actual initiation of the operation for the Project and that if litigation, a claim, an appeal, or an audit is begun before the end of the 3 year period, records shall be retained and available until the 3 years have passed or until the action is completed and resolved, whichever is longer.

(p) If the Project is segmented as provided in Section 5309 of Part 53, Clear Water Assistance of the Natural Resources and Environmental Projection Act, Act 451 of the Public Acts of 1994 ("Part 53"), the District agrees that the remaining segments under control of the District shall be completed with or without additional financing assistance from the Michigan Water Pollution Control Revolving Loan Fund.

(q) If the Project involves construction or property acquisition in a special flood hazard area, the District agrees to comply with the flood insurance purchase requirements of the Flood Disaster Protection Act of 1973 (Pub.L. 93-234) whereby the District will purchase flood insurance in conformance with the National Flood Insurance Program (42 U.S.C. section 4001-4128).

(r) The District will comply with the procurement prohibitions of Section 306 of the Clear Air Act Amendments of 1970 (42 U.S.C. section 7606) and Section 508 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. section 1368), as implemented by Executive Order 11738 (September 10, 1973) whereby the District certifies that goods, services, and materials for the Project will not be procured from a supplier on the List of Violating Facilities published by the U.S. Environmental Protection Agency.

(s) The District agrees to comply with the anti-discrimination provisions of Section 602, Title VI of the Civil Rights Act of 1964 (42 U.S.C. section 200d), Section 13 of the Federal Water Pollution Control Amendments of 1972 (Pub.L. 92-500), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. section 794), and Section 303, Title III of the Age Discrimination Act of 1975 (42 U.S.C. section 6102) whereby the District will not discriminate on the basis of race, color, national origin, sex, handicap, or age in any activity related to the Project.

(t) If the Project involves the acquisition of an interest in real property or the displacement of any person, business, or farm operation, the District agrees to comply with the land acquisition and relocation assistance requirements of the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 (42 U.S.C. section 4601 et seq.) whereby the District will follow procedures set forth in 49 CFR Part 24.

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(U) The District agrees to comply with the Hatch Act (5 U.S.C. section 1501 et seq.) whereby the District will ensure that employees whose principal employment activities are funded in whole or n part with moneys from the Michigan Water Pollution Control Revolving Loan Fund comply with prohibitions set forth in 5 CFR Part 151.

(V) The District agrees to construct and operate the Project as contemplated by the Contract in compliance with all other applicable state and federal laws, executive orders, regulations, policies and procedures and the covenants, assurances and certifications contained in its application for financial assistance relating to the Project. Also, the District will comply with all applicable requirements of all other state and federal laws, executive orders, policies, and regulations governing the Project pursuant to which the DEQ Order of Approval for the Project was issued.

3. Cost Disbursements. In the event the District receives disbursements for costs which, either at the time of final disbursement or at the submission of final project cost documentation, are determined by the DEQ to be ineligible for financing from the Fund, the District agrees to repay the City or the Fund, as directed by the City, all such amounts within 15 days following the receipt of written notice by the DEQ or the City. If such amount is not received within such 15 days, the District agrees that such amount shall bear interest from the due date therefor at a variable rate determined by the MMBA. The repayment amount when received shall be applied against and treated as a prepayment of the next succeeding principal payment coming due on the City's Bonds.

TOLLGATE DRAIN DRAINAGE DISTRICT

By:_____

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a Resolution for Transfer of Funds

HANDLED AS RESOLUTION #416

2. From Councilmember Leeman; a letter from Chris Spalding of 1737 N. Fairview in support of the Installation of three-way stop signs on Fairview Ave. at Lyman St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

(THIS LETTER WAS READ INTO THE RECORD OF THE MEETING AT THE REQUEST OF COUNCILMEMBER LEEMAN AS FOLLOWS:

September 8, 1996

Dear Members of the City Council:

First, let me start by apologizing for not being able to attend this meeting. I felt I must at least write my comments and concerns about this matter and, hopefully, these could be read aloud.

I would like to start by saying how disappointed I was with the Traffic Board's handling of this matter. I feel they were unwilling to listen to the specifics of our situation and would only deal with it in reference to other situations or MMUTCD. One person on the board in particular came into the meeting stating that she had not even had a chance to look over the report at which time she opened the envelope. Without having time to read it, the meeting was started and, a few short minutes later, she voted against the stop signs.

I feel the board should have looked at this matter much closer and differently:

1. The report states that 100 (yes, 1400) cars pass through this intersection on a given day. If that alone doesn't alarm anyone, then the fact that 7.8% of these 1400 cars(that's 109 cars) are traveling over 35 mph when the posted speed is 25 mph, should definitely grab the Board's attention. Think about those figures in a residential area mode not in an MMUTCD mode and you can see clearly that those 109 cars per day traveling above 35 mph do, in our opinion, indicate that there is a problem and that meets our criteria for a three-way stop sign.

2. A stop sign will make it less convenient for the cut-through traffic that uses Fairview for reaching Saginaw to go east or, on the reverse, to get to Wood Street. If one more stop eliminates 10% of this cut-through traffic, then it is worth it.

3. Our main concern for placing a stop sign is with the children in the neighborhood. You must understand the make up of the neighborhood. It is much, much different from that of 10 to 15 years ago. The first difference is that there is a great deal more development to the north of the Groesbeck

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subdivision and thus, more traffic uses Fairview as one of the main feeders to reach Lake Lansing. Secondly, there are more and more small children coming into the neighborhood/playing etc. Add this to the large number of teenage drivers also driving in the neighborhood and you'll see the need to take some sort of action.

An added note: One of the other main feeder streets on the east end of the subdivision is Chester and they have a three-way stop on their street in about the same spot on that street.

I have heard that, if the Traffic Board does something despite the MMUTCD data and information and that if an accident does occur, they could be held legally responsible. However, if does not seem to me that an intersection with no signage (not even a yield sign) could be more dangerous than one with a stop sign from all three directions. I want it to be clear that we are not replacing a yield sign with a stop sign but, instead, requesting the installation of a three-way stop where none has existed before. Thus the argument that a diver who is use to yielding could run the yield when it is changed to a stop does not apply.

Last, but not least, the comment was made by one of the Traffic Board members that, when they have done this similar signage in other areas of the city, it was found that the majority of the people ticketed for either speeding or not stopping were the residents of that area. Just because a person lives in an area does not mean he is beyond obeying the laws. You could ticket me every day if I knew it was for the safety of children. Thank you for your time and consideration.

Sincerely,

Chris Spalding
1737 N. Fairview

3. From Councilmember Novak; a letter from Mayor Hollister regarding the location of the North Side Police Precinct

REFERRED TO THE COMMITTEE OF THE WHOLE

4. From Councilmember Allen; letter from Charles Mitchell regarding a request for a left turn light at Cedar and Jolly Roads.

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER ALLEN

5. From Councilmember Beal; a Resolution Approving a Contract for the Ingham County Tollgate Drain Drainage District regarding the Combined Sewer Overflow Limited Tax General Obligation Bond

HANDLED AS RESOLUTION #417

6. From Councilmember Beal; a Resolution Authorizing the Issuance and Sale of a Combined Sewer Overflow Limited Tax General Obligation Bond

HANDLED AS RESOLUTION #418

PUBLIC COMMENTS

William Hubbell of 3916 W. Edgewood Dr. inquired into the delay on construction of the Ground Transportation Center.

Lloyd Teets of 116 E. Elm St. spoke regarding his ongoing feud with the Building Safety Division of the Planning and Municipal Development Department. He stated that he has failed miserably in his dealings with this department.

Harold King of 1563 N. High said that he knows a business owner that is interested in moving his business into the North Town area, but has not done so because the City is not investing rehabilitation funds into the North Town Project. David Wiener, Executive Assistant to Mayor Hollister asked for information about this business owner and asked to meet with him regarding his business.

COUNCILMEMBERS COMMENTS

Councilmember Bauer commended all of the volunteers who participated in "The Day of Caring", particularly; Capital Area United Way and Mid-Michigan Capital Health Care. She directed the attention of people on the River Walk to the Mums at the McRee House. She announced that she will serve as a Waiter at the "Pig Out In the Plaza" luncheon to be held at the Lansing Center this Wednesday. The cost is $15.00 per person and proceeds will benefit the "Light the City" campaign at the Silver Bells in the City event this year. The Greater Lansing Housing Coalition is sponsoring a House Tour this Sunday of 4 homes on Moores River Drive and 4 homes on Cambridge, of which her house is one. The cost is $15.00 per person.

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Councilmember Beal confirmed the regularly scheduled meeting of the Committee on Ways and Means this Wednesday at 4:00 P.M.

Councilmember Novak thanked Member Bauer for announcing the Home Tour. He announced the Advent House Homeless Shelter Garage Sale to be held on Saturday, September 14, 1996 and urged people to attend and help support the shelter. The sale will be held at 501 McPherson.

Councilmember Allen congratulated William Hubbell on his recent marriage. She announced that she is promoting a production of the Riverwalk Theatre and that she will be attending the Lansing Police Department Citizens Police Academy Classes this fall. Classes in the Academy begin each spring and fall. This is a 12 week course and contains information on all phases of LPD Officer Training. She confirmed the regularly scheduled meeting of the Public Safety Committee for next week.

Councilmember Leeman thanked the residents in the Bancroft Park area for their concern and expressed his hopes that this problem can be resolved quickly. He played a tape depicting the renovations to River Point Park. He told the residents of Lansing that they have a Baseball Stadium to be proud of. He said that he attended a Wildcats Baseball Game in Grand Rapids last week and their stadium does not measure up. Lansing Residents, he said, are extremely lucky to have the Cadillac of baseball stadiums.

Council President Jones criticized the concept of the Michigan School of Choice program, calling it a real scam. He thanked all of the employees who worked at Oldsmobile Park during the regular Baseball season. They were courteous and helpful to the visitors, which enhanced the enjoyment of the games.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener had no comments at this time.

ADJOURNED 8:30 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS SEPTEMBER 16, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence, and the Pledge of Allegiance was led by Councilmember Jones

CONSIDERATION OF LATE ITEMS

By Councilmember Benavides

To accept the following under suspension of the rules:

1. From Councilmember Benavides; a Resolution approving a Temporary Liquor Service Permit to Blue Coyote, Inc. for Outdoor Service on October 3-4, 1996

2. From Councilmember Leeman; two proposals from the Board of Water & Light for the installation of Outdoor Lighting; one for the intersection of S. Pennsylvania and E. Kalamazoo and one at the W. Holmes Rd. Alley

3. From Councilmember Beal; a Resolution freezing the appropriation made to the Boys and Girls Club at Budget Adoption

4. From Councilmember Allen; a letter from Jon Patrick regarding Z-04-96, 4720 S. Cedar

AT THE REQUEST OF COUNCILMEMBER NOVAK, THE QUESTION OF ACCEPTANCE OF LATE ITEMS FOR CONSIDERATION UNDER SUSPENSION OF THE RULES WAS SEPARATED TO SPLIT OUT THE ISSUE OF THE RESOLUTION FREEZING APPROPRIATIONS TO THE BOYS AND GIRLS CLUB. THE VOTES TAKEN ON ACCEPTANCE OF LATE ITEMS WAS AS FOLLOWS:

On the Acceptance of Items 1, 2 and 4 the motion was:

Carried unanimously

On the Acceptance of Item 3 the motion was:

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 2 (Councilmembers Bauer and Novak dissenting)

PUBLIC HEARINGS

A. In consideration of Z-9-96, 200-202 E. Grand River Avenue, rezoning from F-1 Commercial District to G-1 Business District filed by Tom H. Arnold to allow for rehabilitation of the structure without the requirement for on-site parking.

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

Thomas E. Woods of 1701 W. Kalamazoo stated his support of a District Library concept, however, he does not see a need for a study.

Patrick Murray of 1720 Bradley, President of the Lansing Board of Education, said that he feels that the State Journal article on the District Library issue was unfair. The School District needs help from everyone to improve Lansing Schools and we need to focus more attention on neighborhoods and families.

Harold King of 1563 N. High St., President of the North Town Neighborhood Association, stated his support of the North Side Police Precinct and it's location in the Prudden Building.

Lloyd Teets of 116 E. Elm St. said that the State of Michigan should give more ACT 51 monies to cities for road repairs.

Frank Curtis "X" of 4708 Ingham St. said that we need to do whatever is necessary to keep the libraries open for our kids.

Judy Hackett of 625 S. Pennsylvania urged Council to settle the issue of the North Side Police Precinct, along with that of the Network Centers.

Lisa Carey of the Old Town Commercial Association spoke in support of the Resolution setting Principal Shopping District Assessments.

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Kelly Thompson of Downtown Lansing spoke in support of the resolution setting Principal Shopping District Assessments.

Terry Terry of 1217 Turner St. spoke in support of the special assessment for the Principal Shopping Districts.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Ingham County Clerk enclosing a copy of a Resolution authorizing extended terms for the CCAB General Public and Service Sector Representatives adopted by the Ingham County Board of Commissioners

RECEIVED AND PLACED ON FILE

B. Petition filed by Tom Shiels of 1118 Riley Street containing twenty-three signatures from residents of the Riley Street area requesting resurfacing and repairing of the 1100 and 1200 blocks of Riley Street

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SERVICES

C. Letter from Robert J. Sobie of Eaton County Information Systems announcing Eaton County's entry on the Internet World Wide Web

RECEIVED AND PLACED ON FILE

D. Letter from attorneys for Clark Foundation Co., Lawrence D. and Doris A. Clark, Penny Swaiger and David L. Christensen giving notice of intent to establish a condominium project known as "Jolly Professional Center"

REFERRED TO THE MAYOR

E. Letter received from Thomas Onderko of 801 E. Mt. Hope regarding tickets issued to him for civil infractions

REFERRED TO THE CITY ATTORNEY

F. Notice received from the Liquor Control Commission of their denial of a request for transfer of ownership of a 1994 Class C-SDM licensed business (in escrow) with Sunday Sales Permit located at 6031 S. Pennsylvania Ave. from Nappy Enterprises to Huapei Incorporated

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister said that both of the appointees to the Board of Water & Light are highly qualified individuals.

Extensive discussion ensued between Mayor Hollister and City Councilmembers regarding the North Side Police Precinct, the South Side Community Center and the Boys and Girls Club.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Rules of Procedure, adopted by the Ethics Board on Sept. 10, 1996, forwarded in accordance with City Charter Section 5-105.08

REFERRED TO THE COMMITTEE OF THE WHOLE (THE CITY CLERK WAS DIRECTED TO INFORM THE ETHICS BOARD THAT THEIR PROPOSED RULES OF PROCEDURE HAVE NOT BEEN APPROVED)

C. Financial Statements for the Year Ending June 30, 1996 received from the Greater Lansing Convention/Exhibition Authority

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

D. Letter from the City Attorney regarding Robert Haslip v City of Lansing

RECEIVED AND PLACED ON FILE

E Letters from the Mayor re:

1. Transfer of Funds: Parks and Recreation, Planning, Public Service

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2. Appointment of Robert W. Cochran to the Demolition Board for a term to expire on June 30, 1999

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. Appointment of Carol Rall to the Mayor's Recycling Advisory Committee for a term to expire on June 30, 1999

RECEIVED AND PLACED ON FILE

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4. Industrial Facilities Exemption Certificate: Cameron Tool Corporation (IFT-2-95)

RECEIVED AND PLACED ON FILE

5. Code of Ordinance Amendment to Chapter 1063.03

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

6. Waiver of Fees for Turner-Dodge Tour

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

7. Renaissance Zone Proposal

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

8. Sam Eyde Letter dated September 3, 1996 regarding the former Lansing Civic Center

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

9. Michigan-Shiga Goodwill Mission Report

RECEIVED AND PLACED ON FILE

10. Letters of Appreciation

RECEIVED AND PLACED ON FILE

11. City's Intent to Submit a Grant Proposal to the Department of Justice

RECEIVED AND PLACED ON FILE

12. Certificate of Achievement for Excellence in Financial Reporting

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #419
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred the Mayor's letter regarding submission of an application to the U.S. Department of Health and Human Services for a $150,000 grant through the National Center on Child Abuse and Neglect,

REPORTS AS FOLLOWS: The Committee discussed the proposed program with the Director of Human Relations and Community Services. The application was submitted in time to meet the deadline of August 16, 1996. Under the proposal, the City would act as fiduciary agent for the grant and provide a portion of $37,500 worth of staff time to meet the 25 percent in-kind match requirement. Local Human service agencies will provide the remaining staff time to fulfill the match requirement. Therefore, the grant program, which may be extended to a total of five years if approved, contains no financial impact on the City budget. No new positions or long-term obligations will be created. The Committee received and filed the mayor's letter. This report is for information only, and no Council action is required at this time.

Signed: Tony Benavides, Chair
Joan Bauer, Vice Chair
Rick Lilly

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #420
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred a letter from Edward Liebler complaining of an abuse of power by the Building Safety Division regarding his rental property at 320 North Sycamore,

REPORTS AS FOLLOWS: The Committee noted that this matter had also been referred to the Committee on Public Safety, which has oversight on matters relating to the City's Building and Housing Codes. The Council received a Committee Report at the September 9, 1996, meeting. The Building Safety Division and the City Attorney have been requested to prepare a response to Mr. Liebler answering his allegations. The Committee on General Services determined that Mr. Liebler's complaint contains no issues within the Committee's responsibility, and has filed the letter. This report is for information only, and no Council action is required at this time.

Signed: Tony Benavides, Chair
Joan Bauer, Vice Chair
Rick Lilly

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #421
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred the report from the Director of Public

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Service recommending use of recycling fund balance monies to purchase Equipment and complete several projects,

REPORTS AS FOLLOWS: The Committee discussed the recommendations with the department's Superintendent of operations and Maintenance. one recycling truck is scheduled for replacement this year, with budgeted funds available. Part of the recommendation is to use the fund balance for three additional trucks, at approximately $125,000 each. The Committee endorses this request. Another part of the recommendations is funding of several items not included in the budget for safety and operational reasons. The items are listed in the memo from the Director of Public Service dated September 11, 1996, and the estimated total cost of the entire list is $50,400. The Committee also endorses this request. other issues mentioned in the memo were held for additional discussion. The Committee hereby refers these recommendations to the Committee on Ways and means for consideration of a transfer from the recycling fund balance. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #422
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred the Mayor's letter forwarding a report from the Park Board which recommended acquisition of four parcels of north end property which are adjacent to the proposed alignment of the River Trail,

REPORTS AS FOLLOWS: The committee reviewed the Park Board's recommendations, as reported by the Director of Parks and Recreation, which did not contain information necessary for the Committee to make a decision. This matter is hereby referred back to the Mayor for answers to the following questions:

1. What source of funds is proposed to be used for these property acquisitions? What is the current available balance in this source? What other priorities are directly or tentatively obligated against this source?

2. Have the properties proposed for acquisition been appraised or been given an approximate cost by City staff?

3. Prior to submission to the City Council, were the Park Board's recommendations coordinated with the Planning and Neighborhood Development Department and the Law Department?

4. Since the proposed alignment of the River Trail west of Dietrich Park has been a source of controversy with area residents, how will acquisition of these parcels be in the best interest of the City?

Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #423
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Ronald W. Bloomberg, 2126 Moores River Drive, to the Fourth Ward position on the Public Service Board, for a term to expire June 30, 2000; and

WHEREAS, the Committee on Public Services interviewed the appointee, found him to be well-qualified to serve on this Board and recommends that the appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Ronald W. Bloomberg to the Fourth Ward seat on the Public Service Board, for a term to expire June 30, 2000.

By Councilmember Beal

Carried unanimously

RESOLUTION #424
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has reappointed Stephanie L. Whitbeck, 620 W. Ionia Street, to the Historic District Commission, for a second three-year term to expire June 30, 1999; and

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WHEREAS, the appointee has previously served on the Commission and is found by the Committee to be qualified to serve on the Commission;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the reappointment of Stephanie L. Whitbeck to the Historic District Commission, for a term to expire on June 30, 1999.

By Councilmember Beal

Carried unanimously

RESOLUTION #425
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for City license, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services recommends that the license be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City license:

CLASS A WRECKER LICENSE:

Northside Service, Inc., 226 Russell Street, 7 wreckers

By Councilmember Beal

Carried unanimously

RESOLUTION #426
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Centennial Construction and Remodeling Company filed a claim against the City in the amount of $760 seeking relief from administrative charges ($190 each occurrence) for four weed cuttings ordered by the Building Safety Division on two vacant parcels owned by the company; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim, which was concurred in by the Claims Review Committee; and

WHEREAS, James Ballard, representing the company, appealed the denial to the City Council and appeared before the General Services Committee, furnishing testimony and evidence in support of the claim; and

WHEREAS, under the circumstances of this particular claim, the Committee recommends that the Council authorize the City Attorney to offer a settlement of the claim in the amount of $458.00, representing one administrative charge of $190.00 and one of the 1993 weed-cutting charges of $268.00, which may have been double-billed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to authorize the City Attorney to offer a settlement of the claim in the amount of $458.00; and

BE IT FURTHER RESOLVED the claimant shall be given 10 working days to respond to the settlement offer; and

BE IT FINALLY RESOLVED if the claimant does not respond or rejects the settlement offer, this claim shall be considered denied.

By Councilmember Benavides

Carried unanimously

RESOLUTION #427
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Toni L. Edwards filed a claim against the City in an approximate amount of $2,214.00 for damages and losses allegedly sustained as a result of actions and/or omissions of the Building Safety Division on the claimant's father's rental property located at 216 South Martin Luther King Boulevard; and

WHEREAS, the City Attorney's staff recommendation was to deny the claim; and

WHEREAS, the claim and the staff recommendation were reviewed by the Committee on General Services; and

WHEREAS, the Committee determined that the procedural actions dictated by the Lansing Housing Code were taken and documented by the Building Safety Division, that any damages and losses sustained by the claimant and her father were the direct result of failing to bring the property up to Code in compliance with directives from Building Safety Division inspectors, and that the City has no legal obligation to reimburse the claimant for any of the items noted in the claim; and

WHEREAS, the Committee recommends that the claim be denied;

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NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with recommendation of the Committee on General Services to deny the claim of Toni L. Edwards; and

BE IT FURTHER RESOLVED the City Clerk is requested to notify the claimant of this action.

By Councilmember Benavides

Carried unanimously

RESOLUTION #428
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Linda M. Stober and Rudolf Stober have applied to the Michigan Liquor Control Commission to add Linda M. Stober, 435 North Sycamore, Lansing, as a partner in a 1995 Class C licensed business, located at 812 East Michigan Avenue (Stober's Bar); and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request of Linda M. Stober and Rudolf Stober to add Linda M. Stober, 435 North Sycamore, Lansing, as a partner in a 1995 Class C licensed business, located at 812 East Michigan Avenue (Stober's Bar) East Michigan Avenue, is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

RESOLUTION #429
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, on November 20, 1995, this Council adopted ordinance Number 926, which added a new Chapter 285 to the City Code to create a new Memorial Review Board consisting of eight members, and to specify the duties of the Board; and

WHEREAS, the Mayor has appointed Robert W. Ryan, 312 North Foster, to the First Ward seat on the Board, for a term to expire June 30, 2000; and

WHEREAS, the Committee on General Services interviewed the appointee and found him to be qualified for service on this Board, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Robert W. Ryan to the First Ward seat on the Memorial Review Board, for a term to expire June 30, 2000.

By Councilmember Benavides

Carried unanimously

RESOLUTION #430
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated $30,000 in the FY97 General Fund Budget to an account to pay certain costs of use of the Lansing Center by community organizations; and

WHEREAS, the Committee on General Services has reviewed several requests for payment of such costs and has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves charges to account #101-173901-741200-0 as follows:

Lansing Public Service Department Urban Energy Consortium Conference $250

Lansing Community College Native American Leadership Students Celebration $1,900

By Councilmember Benavides

To pull the appropriations listed on the agenda for St. Vincent's Home, Holiday Lighting and the Car Capitol Celebration and refer the issue of St. Vincent's Home to the Human Relations Advisory Board and the Car Capital Appropriation to the Principal Shopping District Authority, and to place an affirmative roll on the remaining appropriations

Carried Unanimously

RESOLUTION #431
BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF
THE CITY LANSING

WHEREAS, pursuant to the resolution adopted by this council on July 8, 1996 the City Council has held a public hearing for assessment role number

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PSD 96-A/PSD 96-B/PSD 96-C FOR THE PRINCIPAL SHOPPING DISTRICT PURSUANT CHAPTERS 812 AND 1026 OF THE LANSING CODE OF ORDINANCES.

PROJECT TITLE: PRINCIPAL SHOPPING DISTRICT

CONTIGUOUS BOUNDARIES
OF PROPERTIES BENEFITED:

LARCH STREET AS THE EAST BOUNDARY; CAPITOL/ WASHINGTON AVENUE AS THE WEST BOUNDARY; ST. JOSEPH AS THE SOUTH BOUNDARY; CLINTON STREET AS THE NORTH BOUNDARY

A ZONE:
11 CENTS FOR 1ST FLOOR
5 CENTS FOR 2ND FLOOR AND ABOVE

TOTAL: 336,219.65

B ZONE:
8 CENTS FOR 1ST FLOOR
3 CENTS FOR 2ND FLOOR AND ABOVE

TOTAL: 19,308.19

C ZONE:
2 CENTS FOR 1ST FLOOR
1 CENT FOR 2ND FLOOR AND ABOVE
TOTAL $30,618.92

OTHER:
PARKING RAMPS: 2 CENTS FOR 1ST FLOOR
1 CENT FOR 2ND FLOOR AND ABOVE
(ALL ZONES)

PARKING LOTS: 4 CENTS
(A & B ZONE)
2 CENTS (C ZONE)

IND./WHSE: 2 CENTS FOR 1ST FLOOR
1 CENT FOR 2ND FLOOR AND ABOVE
(ALL ZONES)

NOW THEREFOR BE IT RESOLVED THAT SPECIAL ASSESSMENT ROLL NUMBER PSD 96-A/PSD 96-B/PSD 96C AS PRESENTED AND, AS MODIFIED BY ROLL NUMBER PSD 96-A/PSD 96-B/PSD 96-C ON SEPTEMBER 10, 1996, AS RETURNED BY THE CITY ASSESSOR, IS HEREBY RATIFIED AND CONFIRMED, AND THE MAYOR IS AUTHORIZED TO AFFIX WITHIN TEN DAYS HIS WARRANT DIRECTING THE CITY TREASURER TO COLLECT SAID TAX. IF SAID PAYMENT IS NOT RECEIVED BY NOVEMBER 8, 1996, SAID TAX WILL BE PLACED ON THE DECEMBER TAX ROLL WITHOUT INTEREST OR PENALTY.

BY COUNCILMEMBER LEEMAN

CARRIED UNANIMOUSLY

RESOLUTION #432
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING FY 96 TRANSFER BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$33,924.15	POLICE-CENTRAL SERVICES-SALARIES 101-343221-702000-0	
$30,456.85	UNIFORM PATROL-SALARIES 101-343251-702000-0	
$64,381		POLICE-CONTROL 101-343201-992200-0
$64,381	POLICE-CONTROL 101-343201-992200-0	INFRASTRUCTURE-CONTROL 101-933901-992200-0
$64,381	INFRASTRUCTURE-CONTROL 101-933901-992200-0	OPER. TRANS.-CAPITAL PROJECTS 101-933901-991410-0
$64,381	ESTIMATED REVENUES-CAPITAL PROJECTS 410-0-170001-0	AUTOMATED FINGERPRINT I.D. SYSTEM 410-933290-970000-43834

(USE OF YEAR END RESIDUALS TO PARTIALLY FUND, ON A CASH BASIS, ACQUISITION OF THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS), PREVIOUSLY AUTHORIZED FOR INSTALLMENT PURCHASE. INCLUDES HARDWARE AND SOFTWARE. BALANCE OF FUNDS TO BE TRANSFERRED FROM FY 97 DEBT SERVICE ACCOUNT. TOTAL PROJECT COST ESTIMATED AT $89,437. REVENUE DETAIL ACCOUNT 410-0-696101-0.)

AND THAT THE FOLLOWING FY 97 TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$25,056	POLICE-DEBT SVC. 101-343223-980000-0	POLICE-CONTROL 101-343201-992200-0
$25,056	POLICE-CONTROL 101-343201-992200-0	INFRASTRUCTURE-CONTROL 101-933901-992200-0
$25,056	INFRASTRUCTURE-CTRL 101-933901-992200-0	OPER. TRANS.-CAPT PROJ. FUND 101-933901-991410-0
$25,056	EST. REV.-CAPT. PROJ. FUND 410-0-170001-0	AUTOMATED FINGERPRINT I.D. SYSTEM 410-933290-970000-43834

(BALANCE OF FUNDS NECESSARY TO CASH FUND ACQUISITION OF AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM (AFIS), IN LIEU OF AUTHORIZED INSTALLMENT PURCHASE. TOTAL PROJECT COST, INCLUSIVE OF HARDWARE AND SOFTWARE IS $89,43 7. REVENUE DETAIL ACCOUNT 410-0-696101-0)

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$21,000	Forfeiture Fund-Fnd Bal. 265-0-390001-0	Grant-Eaton County 265-343253-960003-0

(Additional funding to meet grant match for FY 95-96 ODCP grant for Eaton County drug law enforcement efforts.(Grand Jury grant)).

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$3,523	Fund Balance-General Fund 101-0-390001-0	City Clerk-Control 101-172400-992200-0
$3,523	City Clerk-Control 101-172400-992200-0	
$2,401		Wages-Temp. Help 101-172400-707000-0
$1,122		Overtime-Salary 101-172400-707000-0

(Expenses to canvass the second set of petitions submitted by the Majority Opposing Special Treatment in July. Residuals cannot be identified in the City Clerk's budget at this point in the fiscal year.)

By Councilmember Beal

Carried unanimously

RESOLUTION #433
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
SALE OF LOT 6, OF THE R.E. OLDS PLAT
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing intends to sell Lot 6, of the R.E. Olds Plat for the purpose of redevelopment; and

WHEREAS, in accordance with the Lansing City Charter, Article 8, Chapter 4, and Section 208.08 of the Lansing Code of Ordinances, information regarding the proposed sale of the property to the Quality Dairy Company has been on file with the City Clerk in excess of thirty (30) days; and

WHEREAS, a Public Hearing regarding the sale of this parcel was held on August 26, 1996; and

WHEREAS, agreements for the sale and development of the property have been prepared and are in a form acceptable to the City Attorney, and provide for sale at the stipulated price of $16,000.00/acre for the total sum of $84,624.00; and

WHEREAS, the agreements for the sale of this parcel include development in compliance with the zoning district and the Southeast Area Master Plan;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council authorize the execution of the agreements which have been on file with the City Clerk, and the sale of Lot 6, of the R.E. Olds Plat, City of Lansing, Ingham County, Michigan, as recorded in Liber 48 of Plats, Pages 35, 36, and 37, containing 5.289 acres to the Quality Dairy Company for $84,640.00, subject to approval by the Michigan Department of Natural Resources of the party that will occupy and utilize the property as proposed.

BE IT FINALLY RESOLVED the Mayor is authorized to sign and execute all necessary documents to effectuate the aforestated transaction, subject to their prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #434
BY THE COMMITTEE ON
DEVELOPMENT & PLANNING

WHEREAS, in resolution #389 passed August 26, 1996 the City Council of the City of Lansing authorized the administration to sell the properties located at 512, 516 and 518/20 W.. Genesee Street, and the south thirty five (35) feet of each of the properties located at 511 Chestnut and 508 Pine Street to the Michigan Non-Profit Real Estate Development Corporation, a Michigan nonprofit corporation, for the sum of Six Thousand and no/100 ($6,000.00) Dollars plus all closing costs, subject to retaining the north twenty (20) feet from the Pine and Chestnut Street properties; and

WHEREAS, the City desires to retain an additional part of the Chestnut Street property until such time as redevelopment of the 500 Block of West Genesee is completed;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby amends resolution #389, passed August 26, 1996 to authorize the sale of the above mentioned properties to also retain that part of the Chestnut Street Property described as:

The South 35 feet of the East 49.5 feet of Lot 5, Block 73, Original Plat, City of Lansing, Ingham County, Michigan.

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UNTIL SUCH TIME AS THE REDEVELOPMENT OF THE 500 BLOCK OF WEST GENESEE IS COMPLETED.

BE IT FURTHER RESOLVED THAT THE CITY COUNCIL SHALL REVIEW AND CONSIDER THE RECOMMENDATION OF THE ADMINISTRATION FOR FINAL DISPOSITION OF THE ABOVE DESCRIBED PROPERTY WHEN THE PROJECT IS COMPLETED.

BE IT FINALLY RESOLVED THAT ALL OTHER STIPULATIONS STATED IN RESOLUTION #389 SHALL REMAIN UNCHANGED.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #435
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
ACT-18-96, ACQUISITION OF RR ROW,
HOSMER AND LARNED TO S. HOLMES STREET
FOR BOARD OF WATER AND LIGHT PURPOSES

WHEREAS, THE BOARD OF WATER AND LIGHT (BWL) INTENDS TO ACQUIRE BY PURCHASE THE RIGHT OF WAY OF THE LANSING CONNECTING RAILWAY FROM THE CSX AT HOSMER AND LARNED STREETS TO THE GRAND TRUNK RAILWAY NEAR HACO DRIVE IN POTTER PARK, BEING APPROXIMATELY 4,420 FEET IN LENGTH, FOR THE PURPOSE OF CONSOLIDATING BWL PROPERTY DIVIDED BY SAID RAILROAD RIGHT OF WAY; AND

WHEREAS, THE PLANNING BOARD CONDUCTED AN ACT 285 REVIEW (ACT-18-96) FOR CHARACTER, LOCATION AND EXTENT OF THE SUBJECT PARCEL, AND FOUND THAT THE REQUESTED ACQUISITION IS IN THE PUBLIC INTEREST; AND

WHEREAS, ON AUGUST 20, 1996, THE PLANNING BOARD RECOMMENDED APPROVAL (6-0) OF SAID ACQUISITION AND DEVELOPMENT OF SAID PARCEL AND SPECIFICALLY RECOMMENDED THE PROPERTY BE USED TO CONSOLIDATE THE BWL PROPERTIES AS PLANNED, TO HAVE THE BWL RETAIN OWNERSHIP OF THOSE PORTIONS OF THE REMAINDER FOR WHICH PUBLIC PURPOSES ARE DETERMINED, AND TO SELL ALL RESIDUAL PROPERTY TO ADJACENT PROPERTY OWNERS; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING HAS REVIEWED THE REPORT AND RECOMMENDATION OF THE PLANNING BOARD AND CONCURS IN THE BOARD OF WATER AND LIGHT PURCHASING THE LANSING CONNECTING RAILWAY PROPERTY;

NOW, THEREFORE, BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY CONCURS IN THE BOARD OF WATER AND LIGHT (BWL) PURCHASE OF THE RIGHT OF WAY OF THE LANSING CONNECTING RAILWAY FROM THE CSX AT HOSMER AND LARNED STREETS TO THE GRAND TRUNK RAILWAY NEAR HACO DRIVE IN POTTER PARK, BEING APPROXIMATELY 4,420 FEET IN LENGTH.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #436
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, FATHER STANLEY CZARNOTA, CHAPLAIN OF THE ST. LAWRENCE NURSING CENTER IN DIMONDALE, IS CELEBRATING THE 40TH ANNIVERSARY OF HIS ORDINATION; AND

WHEREAS, FATHER CZARNOTA WAS BORN IN WOLKA, POLAND, GRADUATED FROM PUBLIC HIGH SCHOOL IN 1951, THEN THE CHARLES BONNOMEO SEMINARY IN LUBLIN IN 1956, AND WAS ORDAINED A PRIEST BY THE BISHOP OF LUBLIN ON DECEMBER 22, 1956; AND

WHEREAS, HIS ASSIGNMENTS HAVE INCLUDED SEVERAL PARISHES IN POLAND, AND HE CAME TO AMERICA IN JULY 1975 TO SERVE AT ALL SAINTS PARISH IN FLINT; AND

WHEREAS, FATHER CZARNOTA BECAME A U.S. CITIZEN ON AUGUST 6, 1981, AND HE DEVOTED HIS SERVICE TO HIS NEW HOMELAND BY ACCEPTING A CHAPLAIN'S COMMISSION IN THE UNITED STATES NAVY IN 1988, WHICH TOOK HIM TO OKINAWA, MAINE, AND ILLINOIS; AND

WHEREAS, SINCE COMING TO THE DIOCESE OF LANSING, FATHER CZARNOTA HAS HELPED MANY PEOPLE, INCLUDING REFUGEES SETTLING HERE AFTER FLEEING COMMUNIST REGIMES IN EUROPE, AND HE SERVES AS AN OUTSTANDING EXAMPLE OF A MAN OF FAITH OFFERING CARE AND COMFORT TO THOSE IN NEED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY COMMENDS AND CONGRATULATES FATHER STANLEY CZARNOTA, ON THE 40TH ANNIVERSARY OF HIS ORDINATION, FOR HIS JOY IN LIFE, HIS CARING SPIRIT, THE DEEP FAITH HE DISPLAYS IN HIS SERVICE TO OTHERS.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #437
BY COUNCILMEMBER BENAVIDES

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RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, St. Casimir Catholic Parish of Lansing was founded in 1921, initially as a ministry primarily to 150 Polish families of the City, and over the 75 years of its pastoral care, St. Casimir Parish has evolved into a culturally-diverse parish with over 1,200 families who share a strong commitment of service to the Lansing community; and

WHEREAS, over these years, parishioners have been led through five pastorates, including those of Fr. Leo P. Szybowicz (1921-1946), Fr. Leo J. Kalinowski (1946-1957), Monsignor Michael J. Mleko (1957-1971), Fr. Albert C. Hornberger (1971-1987), and Fr. Raymond M. Rademacher since 1987, all of whose vocations have been a reflection of God's love for all people; and

WHEREAS, the children of St. Casimir Parish were served most graciously by the dedication and commitment of 110 Sisters of the Holy Family of Nazareth of Pittsburgh from 1928 through 1971; and

WHEREAS, the parishioners of St. Casimir live their faith by serving the Parish and the Lansing community through volunteer work in 28 Parish organizations and lay ministries, including Senior Citizens/Shut-Ins Ministry, Hospital Ministry, St. Vincent DePaul Society, Knights of Columbus, Scouting, Boys and Girls Athletics, Social Ministry, Men's Club, Women's Guild, FOCUS Pre-marriage Program, Befrienders Ministry and Youth Ministry; and

WHEREAS, on September 21, 1996, St. Casimir Parish will celebrate the 75th anniversary of its founding with a Diamond Jubilee;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 16th day of September, 1996, hereby expresses heartfelt congratulations and sincere appreciation to the Clergy, Staff, and all members of St. Casimir Parish for 75 years of outstanding service to this community and for setting the highest standard as a major force for good works in the Capital City.

By Councilmember Benavides

Carried unanimously

RESOLUTION #438
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the District Library Planning Committee, composed of representatives of Ingham County, the City of Lansing, and the Lansing School District, has concluded its study of the feasibility of a District Library Agreement or other means of funding to establish a District Library under the terms of Michigan Public Act 24 of 1989; and

WHEREAS, the Planning Committee has recommended that a District Library be formed, that a District Library Agreement be developed and signed, with Ingham County, the City of Lansing, and the Lansing School District as participating governmental units, and that October 1, 1996, be set as the goal by which the Agreement be reached; and

WHEREAS, the Ingham County Board of Commissioners has determined that it will not take action on the Planning Committee's recommendations, choosing instead to appropriate and spend up to $15,000 for the purpose of conducting yet another study by a library consultant to evaluate the strengths and weaknesses of the current Library Systems and to make recommendations on developing and financing an optimal Library System in the service areas of the City, the County, and the School District; and

WHEREAS, the Board of Commissioners, decision is contingent upon similar appropriations from the City and the School District toward the cost of the study; and

WHEREAS, the Committee on Intergovernmental Relations has met with representatives of the Board of Commissioners and the School District, conducted a frank discussion on the relative merits of an additional study on the provision of library services, and determined that any hope of reaching an intergovernmental agreement which includes Ingham County on this matter will require City financial and planning participation in the requested study, which the County representatives agreed to generate in a timely fashion, and to use the results of which as the basis for the County's decision by the end of January, 1997; and

WHEREAS, the Committee recommends that the City support the new study financially, up to a maximum of $15,000, and with staff assistance as a demonstration of the City's commitment to intergovernmental cooperation, and to avoid any action that may automatically preclude County participation in a revised library system, based on the will of the Board of Commissioners as expressed to the Committee;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby appropriates $15,000.00 from the General Fund fund balance, to be combined with like amounts from Ingham County and the

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Lansing School District, for the purpose of obtaining a Library Consultant to evaluate the strengths and weaknesses of the current Library Systems under discussion, and to make recommendations on developing and financing an optimal Library System, with periodic progress reports by the Consultant, leading to a final report due not later than January 1, 1997. THE APPROPRIATION IS CONTINGENT UPON EACH OF THE OTHER GOVERNMENTAL ENTITIES AGREEING THAT THEY SHALL DETERMINE BY JANUARY 15, 1997, WHETHER THEY SHALL ENTER INTO A DISTRICT LIBRARY AGREEMENT; and

BE IT FURTHER RESOLVED the Mayor is requested to direct the Finance Director to assist in preparation of a Request for Proposals for the consultant study, and to make any necessary account adjustments required by this appropriation; and

BE IT FURTHER RESOLVED the City Council approves in concept the District Library Planning Committee's recommendations as stated above, and expresses its intent to execute an acceptable District Library Agreement, or other such intergovernmental agreement to operate and finance library services, with Ingham County and/or the Lansing School District not later than January 31, 1997.

By Councilmember Bauer

To accept a friendly amendment proposed by Councilmember Novak to amend the "NOW THEREFORE BE IT RESOLVED clause after the words "January 1, 1997" to insert the following:

"THE APPROPRIATION IS CONTINGENT UPON EACH OF THE OTHER GOVERNMENTAL ENTITIES AGREEING THAT THEY SHALL DETERMINE BY JANUARY 15, 1997, WHETHER THEY SHALL ENTER INTO A DISTRICT LIBRARY AGREEMENT", and to place an affirmative roll on the resolution as amended.

Carried unanimously

RESOLUTION #439
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS the Lansing City Council has previously established a Lansing Industrial Development District (IPR-4-78) on August 13, 1979 and amended on October 7, 1985, on property commonly known as 1800 Bassett Street, Lansing, Michigan, more fully described as:

The north 132 feet of Lots 27 and 28 and the north 132 feet of the west 27.7 feet of Lot 29, Assessor's Plat No. 11 on the northwest 1/4 of Section 8, T4N, R2W, City of Lansing, Ingham County, Michigan.

The north 132 feet of the west ½ of Lot 30, and the north 132 feet of the east 9.3 feet of Lot 29;

Lot 31, except the east 163 feet; Lot 32, except the east 164.5 feet; Lot 33, except the east 164.5 feet; Lot 34, except the east 164.5 feet; Assessor's Plat No. 11, City of Lansing, Ingham County, Michigan.

Lots 1 through 9, Outlots A and B, vacated Shirann Street, and to be vacated Owens Street adjoining Lots 6 through 9 and Outlots A and B; all in Shirann Subdivision, City of Lansing, Ingham County, Michigan.

WHEREAS, John D. Pettinger, on behalf of Cameron Tool Corporation has applied, by filing an amended application, for an Industrial Facilities Exemption Certificate for the construction and equipping of a new facility within said established district; and

WHEREAS, a public hearing was held on September 9, 1996 on the amended Exemption Certificate application submitted by John D. Pettinger on behalf of Cameron Tool Corporation, and all parties had an opportunity to be heard; and

WHEREAS, Cameron Tool Corporation has substantially met all the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

WHEREAS, this Council finds that the granting of the Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem taxes in the City of Lansing.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Lansing hereby approves the amended application from John D. Pettinger on behalf of Cameron Tool Corporation for an Industrial Facility Exemption Certificate (IFT-2-95) to remain in effect for a period of twelve (12) years, subject to the execution of a written agreement between Cameron Tool Corporation and the City of Lansing(as attached Exhibit A) and subject to the condition that all Building code compliance requirements are met.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is authorized to execute the aforestated Agreement, subject to prior approval thereof as to form by the City Attorney.

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By Councilmember Beal

Carried unanimously

AGREEMENT IN CONSIDERATION OF
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

This agreement is made and entered this _____ day of _____, 1996, by and between the City of Lansing (City) and Cameron Tool Corporation (Applicant);

Witnesseth:

WHEREAS, Act 198, P.A. of 1974, as amended requires, as a condition of approval of new industrial exemption certificates, after April 1, 1994, that a written agreement be entered into by the local governmental unit and the owner/lessee of the industrial facility;

WHEREAS, the applicant, in seeking local legislative approval, has made certain representations to the City as more fully set forth below; and

WHEREAS, the City has relied upon these representations in its determination that the application should be approved;

NOW THEREFORE, pursuant to § 22 of Act 198, P.A. of 1974 as amended, the parties mutually agree as follows:

1. Conditional Approval of Industrial Facilities Exemption Certificate.

That the Applicant's application for an industrial facilities exemption is approved for a term of twelve (12) years, subject to the approval and issuance of an industrial facilities exemption certificate by the State Tax Commission, and the terms of this Agreement.

2. Applicant's Representations.

That the representations upon which the City relies are:

a. Applicant's expectation of thirteen (13) new jobs (full time permanent), if not added within the twelve (12) months preceding the filing of Applicant's "amended" application, or subsequent hereto, to be added not later than two (2) years after the date of the issuance of an industrial facilities exemption certificate by the State Tax Commission (see §12b of application);

b. Applicant's estimate of land and Building improvements (excluding the cost of land), and machinery and equipment expenditures of Three Million Nine Hundred Thousand Dollars ($3,900,000), if not added within the twelve (12) months preceding the filing of Applicant's "amended" application, or subsequent thereto, to be made not later than two (2) years after the date of the issuance of an industrial facilities exemption certificate by the State Tax Commission (see § 8 of application); and

c. Applicant's representation that it is committed to equal employment opportunity and to its Affirmative Action program, as submitted to the City of Lansing's Human Relations and Community Services Department.

3. Performance of Paragraphs 2 (a) and 2 (b) Within Two Years.

That if applicant has not already met the projections in paragraphs 2 (a) and 2 (b), and fails, within two (2) years after the date of the issuance of an industrial facilities exemption certificate by the State Tax Commission, to create a substantial number of the new jobs projected, or fails to invest a substantial sum in the improvements and machinery and equipment acquisitions projected, the City may by resolution of the Council request the Tax Commission to revoke all, or a portion of the number of years on the certificate in accordance with paragraph four (4). For purposes of this agreement, "substantial" shall mean at least 80% (rounded down to nearest whole number) of the projected jobs, or 80% of the dollar value (rounded down to the nearest thousand) of the improvements or machinery and equipment expenditures projected.

4. Revocation or Partial Revocation in Accordance With Schedules.

(1) The parties agree that the City shall be entitled to revoke all, or a portion of the number of years on the certificate in accordance with the following schedules in the event of Applicant's failure to satisfy the "substantial" threshold as defined in paragraph three (3). Except as provided in paragraph eight (8), six (6) years of the industrial facilities certificate shall be allocated to the new jobs projected, and six (6) years shall be allocated to the projected land and Building improvements (excluding the cost of land), and machinery and equipment expenditures.

SCHEDULE A - JOBS
No. of New Jobs
Within 2 Years of
Issuance of Certificate

0-1
2-3
4-5
6-7
8-9

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10+
No. of Years By Which the Certificate is Reduced
6
5
4
3
2
0

SCHEDULE B
IMPROVEMENTS, MACHINERY & EQUIPMENT
$$ of Expenditures
Within 2 Years of
Issuance of Certificate

0	-$ 649,999
$650,000	-$1,199,999
$1,200,00	-$1,849,999
$1,850,00	-$2,499,999
$2,500,00	-$3,119,999
$3,120,00	

No. of Years By Which the Certificate is Reduced
5
4
3
2

(2) The parties agree that attainment of the projected jobs, and the making of the projected expenditures for improvements, machinery, and equipment are critical, and that time is of the essence. Also, the parties expressly agree that attainment of the projected jobs and expenditures beyond two (2) years from the date of the issuance of a certificate by the Tax Commission shall not avoid or cancel any revocation or partial revocation of the number of years on the certificate imposed as a result of the application of the above schedules.

5. City Treasurer to Report on Projected Jobs.

The parties agree that the City Treasurer shall make the determination as to whether Applicant has created, either within the twelve (12) months preceding the filing of Applicant's "amended" application, or subsequent thereto, but not later than two (2) years after the issuance of a certificate by the Tax Commission, the number of new jobs projected. Applicant agrees to provide to the Treasurer such documentation the Treasurer requires in order to make this determination. The Treasurer shall report his/her determination to the Council.

6. City Assessor to Report on Capital Improvements.

The parties agree that the City Assessor shall make the determination as to whether Applicant has made, either within the twelve (12) months preceding the filing of Applicant's "amended" application, or subsequent thereto, but not later than two (2) years after the issuance of a certificate by the Tax Commission, the projected expenditures for improvements, machinery, and equipment. Applicant agrees to provide to the Assessor such documentation the Assessor requires in order to make this determination. The Assessor shall report her/his determination to the Council.

7. Applicant's Commitment to Equal Employment Opportunity.

Pursuant to paragraph 2(c), the Applicant agrees to provide equal employment opportunity in regard to hiring and the terms and conditions of employment. As evidence of its good faith, Applicant has submitted to the City's Department of Human Relations and Community Services a proposed "Affirmative Action Program for Equal Employment Opportunity".

8. Revocation Upon Failure to Provide Equal Employment Opportunity; Reimbursement of Amounts Abated.

The parties agree that notwithstanding any other provision of this agreement, after the effective date of this agreement, the industrial facilities exemption certificate is subject to revocation, if Applicant engages in conduct that establishes acts and practices of discrimination with regard to hire, and the terms and conditions of employment. The parties agree that upon findings by either the City's Human Relations Board, the Michigan Civil Rights Commission, the Equal Employment Opportunity Commission, or the State or Federal Courts, that Applicant is engaging in discriminatory acts and practices with regard to hire, or the terms and conditions of employment, the Lansing City Council may adopt a resolution requesting the State Tax Commission to revoke the

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INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE. THE PARTIES ALSO AGREE THAT IN THE EVENT OF SUCH FINDINGS, THE LANSING CITY COUNCIL MAY ADDITIONALLY AUTHORIZE AN ACTION TO RECOVER THE AMOUNT OF ANY TAX RELIEF GRANTED APPLICANT BY VIRTUE OF THE ABATEMENT GRANTED.

9. HUMAN RELATIONS AND COMMUNITY SERVICES DEPARTMENT TO MONITOR.

THE PARTIES AGREE THAT THE CITY OF LANSING HUMAN RELATIONS AND COMMUNITY SERVICES DEPARTMENT SHALL MONITOR THE EFFECTIVENESS OF APPLICANT'S "AFFIRMATIVE ACTION PROGRAM FOR EQUAL EMPLOYMENT OPPORTUNITY". APPLICANT AGREES TO PROVIDE TO THE DEPARTMENT SUCH RECORDS AND DOCUMENTATION AS DEEMED NECESSARY BY THE DIRECTOR IN ORDER TO MONITOR SAID PROGRAM. THE DIRECTOR SHALL FROM TIME TO TIME REPORT ON THE SAME TO THE HUMAN RELATIONS BOARD AND TO THE COUNCIL.

10. NO PAYBACK PROVISION IF APPLICANT MOVES.

SHOULD UNFORESEEN CIRCUMSTANCES REQUIRE THAT APPLICANT MOVE ITS OPERATION OUTSIDE OF THE CITY BEFORE THE EXPIRATION OF THE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, THE PARTIES AGREE THAT THE CIRCUMSTANCES SURROUNDING THE ABATEMENT GRANTED APPLICANT DOES NOT WARRANT THE INCLUSION OF A "PAYBACK" PROVISION IN THIS AGREEMENT. THIS PARAGRAPH SHALL NOT HAVE ANY BEARING HOWEVER ON ANY OTHER PAYBACK OBLIGATION UNDER THIS AGREEMENT.

IN WITNESS WHEREOF, THE UNDERSIGNED PARTIES HERETO EXECUTE THIS AGREEMENT AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

WITNESSES:

APPLICANT:

_____

_____

_____

_____

BY:_____
JOHN D. PETTINGER
ITS: PRESIDENT

CITY OF LANSING:

BY:_____
DAVID C. HOLLISTER
ITS: MAYOR

APPROVED AS TO FORM:

_____
CITY ATTORNEY

CERTIFICATION AS TO AVAILABILITY OF FUNDS:

_____
FINANCE DIRECTOR

RESOLUTION #440
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS RECOMMENDED THE APPOINTMENT OF MR. JOSEPH GRAVES, JR., TO THE BOARD OF WATER AND LIGHT BOARD OF COMMISSIONERS;

WHEREAS, THE COMMITTEE INTERVIEWED MR. GRAVES AND FOUND HIM TO BE WELL QUALIFIED AND COMMITTED TO SERVING THE CITY OF LANSING IN THIS CAPACITY;

NOW, THEREFORE, BE IT RESOLVED THAT THE APPOINTMENT OF JOSEPH GRAVES, JR., TO REPRESENT THE CITIZENS OF LANSING AS A BOARD OF WATER AND LIGHT COMMISSIONER IS HEREBY CONFIRMED AS RECOMMENDED BY THE MAYOR. TERM WILL EXPIRE IN JUNE, 2000.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #440A
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS RECOMMENDED THE APPOINTMENT OF MR. JUDSON WERBELOW TO THE BOARD OF WATER AND LIGHT BOARD OF COMMISSIONERS;

WHEREAS, THE COMMITTEE INTERVIEWED MR. WERBELOW AND FOUND HIM TO BE WELL QUALIFIED AND COMMITTED TO SERVING THE CITY OF LANSING IN THIS CAPACITY;

NOW, THEREFORE, BE IT RESOLVED THAT THE APPOINTMENT OF JUDSON WERBELOW, TO REPRESENT THE CITIZENS OF LANSING AS A BOARD OF WATER AND LIGHT COMMISSIONER IS HEREBY CONFIRMED AS RECOMMENDED BY THE MAYOR. TERM WILL EXPIRE IN JUNE, 2000.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #441
BY THE COMMITTEE OF THE WHOLE

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RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing supports a clean and safe environment for its residents; and

WHEREAS, pollution prevention is a proactive approach to environmental protection that focuses on prevention of waste at the source, and is therefore a preferable strategy for protecting our environment and

WHEREAS, pollution prevention can increase industrial efficiency and save businesses money; and

WHEREAS, pollution prevention offers both environmental protection and increased economic competitiveness; and

WHEREAS, by focusing attention on pollution prevention, the City of Lansing will meet the challenges of the 90's for economic competitiveness and environmental organizations work together to plan for a prosperous and sustainable future; and

WHEREAS, Pollution Prevention Week is an opportunity for government, industry, and environmental organizations to recognize the potential of pollution prevention and to work together to plan for a prosperous and sustainable future; and

NOW, THEREFORE, BE IT RESOLVED, that September 16-22, 1996, is Pollution Prevention Week and the City of Lansing does hereby urge all community members and businesses of the City of Lansing to participate in local and regional celebratory and educational activities.

By Councilmember Lilly

Carried unanimously

BY THE COUNCILMEMBERS JONES AND BEAL
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the agreement to fund the Boys and Girls Club facility expansion also included an agreement to expeditiously proceed with the South Washington Avenue South Side Community Center; and

WHEREAS, it appears that the Mayor has placed a moratorium on proceeding with the South Washington Avenue South Side Community Center pending approval of the North. Police Precinct; and

NOW, THEREFORE, BE IT RESOLVED that funds appropriated by the Lansing City Council from Parks Millage Revenues and from Civic Center Sale Proceeds in the amount of $1,420,000 for the purpose of expanding the Boys and Girls Club are hereby frozen and shall not be expended, encumbered, or transferred pending further review and authorization by the Lansing City Council; and

BE IT FURTHER RESOLVED that no funds from any other appropriation shall be expended on the Boys and Girls Club pending further review and authorization by the Lansing City Council.

By Councilmember Beal

To place an affirmative roll on the Resolution

DEFEATED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Jones, Leeman, Lilly

NAYS: Councilmembers Bauer, Benavides, Novak

By Councilmember Beal

That this resolution be referred to the Committee of the Whole and that the Administration be directed to provide Councilmembers with information regarding; the cost of renovations necessary to make the City Hall facility viable, the cost of utilizing the School for the Blind facility, and Source of Revenues to pay for the project and that the requested information be available to Councilmembers in time for the Committee of the Whole Meeting scheduled for Thursday, September 19, 1996.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Leeman, Lilly

NAYS: Councilmembers Bauer, Novak

RESOLUTION #442
BY COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, The Blue Coyote Brewing Company, holder of a Class C liquor license, has applied to the Michigan Liquor Control Commission for

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AUTHORIZATION TO PROVIDE TEMPORARY OUTDOOR SERVICE DURING OCTOBER 3 (5 PM TO MIDNIGHT) AND 4 (NOON TO MIDNIGHT), 1996, IN A 90-FEET-BY-20-FEET ENCLOSURE ON PERE MARQUETTE DRIVE AS PART OF AN OKTOBERFEST CELEBRATION; AND

WHEREAS, MICHIGAN LIQUOR CONTROL COMMISSION RULES REQUIRE THAT THE LOCAL LEGISLATIVE BODY APPROVE SUCH APPLICATIONS PRIOR TO ISSUANCE OF THE PERMIT; AND

WHEREAS, THE CLERK HAS REPORTED THAT ALL NECESSARY ADMINISTRATIVE APPROVALS HAVE BEEN GIVEN, AND THE COMMITTEE ON GENERAL SERVICES RECOMMENDS THAT THE COUNCIL CONCUR;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE REQUEST FROM THE BLUE COYOTE BREWING COMPANY FOR AUTHORIZATION TO PROVIDE TEMPORARY OUTDOOR SERVICE DURING OCTOBER 3 AND 4, 1996, IN A 90-FEET-BY-20-FEET ENCLOSURE ON PERE MARQUETTE DRIVE AS PART OF AN OKTOBERFEST CELEBRATION; AND

BE IT FURTHER RESOLVED THE CITY CLERK IS DIRECTED TO COMPLETE THE PROPER FORM AND SUBMIT IT WITH THIS RESOLUTION TO THE MICHIGAN LIQUOR CONTROL COMMISSION.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-10-96, 5326 S. PENNSYLVANIA AVENUE, "A" RESIDENTIAL TO "F" COMMERCIAL DISTRICT

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #443
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, OCTOBER 7, 1996 AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-10-96, 5326 S. PENNSYLVANIA AVENUE, "A" RESIDENTIAL TO "F" COMMERCIAL DISTRICT

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER BENAVIDES; A RESOLUTION APPROVING A TEMPORARY LIQUOR SERVICE PERMIT TO BLUE COYOTE, INC. FOR OUTDOOR SERVICE ON OCTOBER 3-4, 1996

HANDLED AS RESOLUTION #442

2. FROM COUNCILMEMBER LEEMAN; TWO PROPOSALS FROM THE BOARD OF WATER & LIGHT FOR THE INSTALLATION OF OUTDOOR LIGHTING; ONE FOR THE INTERSECTION OF S. PENNSYLVANIA AND E. KALAMAZOO AND ONE AT THE W. HOLMES RD. ALLEY

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3. FROM COUNCILMEMBER BEAL; A RESOLUTION FREEZING THE APPROPRIATION MADE TO THE BOYS AND GIRLS CLUB AT BUDGET ADOPTION

THE MOTION FOR PASSAGE OF THIS RESOLUTION WAS DEFEATED BY A 5/3 VOTE IT WAS REFERRED TO THE COMMITTEE OF THE WHOLE BY SUBSEQUENT MOTION OF COUNCILMEMBER BEAL

4. FROM COUNCILMEMBER ALLEN; A LETTER FROM JON PATRICK REGARDING Z-04-96, 4720 S. CEDAR

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENTS

CONNIE DELANEY OF 3721 AURELIUS RD. STATED HER CONTINUED OPPOSITION TO THE RAIN FEE (STORMWATER ENTERPRISE FUND FEES).

REVEREND LESTER STONE, PASTOR OF THE FRIENDSHIP BAPTIST CHURCH URGED PARTICIPATION IN THE "MARCH FOR JUSTICE" TO BE HELD SEPTEMBER 28, 1996 WHICH WILL BEGIN AT SEXTON HIGH SCHOOL AT 9:00 A.M. THIS MARCH IS TO PROTEST THE HARASSMENT AND

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arrest of innocent people in Lansing.

Chris Cotter of 2111 Harding spoke regarding his campaign for Ingham County Drain Commissioner and what affect he could have on the City of Lansing Stormwater Enterprise Fund fees.

Lloyd Teets of 116 E. Elm St. criticized the Administration for it's actions with regard to the South Side Community Center and the North Side Police Precinct.

Tracy Hampton of 1608 W. Washtenaw spoke in support of the "March for Justice" and urged participation in the march.

Robert Bennett of 222 W. Saginaw spoke in support of the North Side Police Precinct.

Paul Scott of 412 W. Kilborn thanked the Council for conducting a forum, last Thursday evening, for community discussion of the North Side Police Precinct.

COUNCILMEMBERS COMMENTS

Councilmember Beal announced the cancellation of this week's Ways and Means Committee Meeting.

Councilmember Bauer commended the participants of the "Pig Out at the Plaza".

Councilmember Allen announced a South Side Action Committee Meeting on Tuesday, September 17, 1996 at 7:00 P.M. in the South Side Police Precinct and a Public Safety Committee meeting this Tuesday at 3:00 P.M.

Councilmember Leeman announced a 100th Anniversary Celebration of the Volunteers of America. More information about the event is available by calling 484-4144.

Council President Jones urged his colleagues to take a tour of the North Side Police Precinct.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener said that he hopes that we will all listen closely to each other as we try to resolve our differences.

ADJOURNED 10:40 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS SEPTEMBER 23, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation and Pledge of Allegiance were led by Councilmember

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of December 7, 1995, *REVISED* Proceedings of January 29, 1996 and Proceedings of September 9, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a letter from City Council Principal Legislative Assistant, Ron Onufer regarding the charging of fees for the use of Community Center rooms

2. From Councilmember Allen; a letter from O. Moore of 101 E. Holmes Rd. regarding the need for sidewalk repair on Stabler St.

3. From Councilmember Allen; a letter from Mary Odiorne of 5511 Kaynorth, #5 regarding the separation of the North Side Police Precinct and the South Side Community Center issues

4. From Councilmember Allen; a letter from Steven T. Spees, III of 3608 Coachlight Common and a Petition signed by 25 residents of Coachlight Common requesting the installation of stop signs on their street

5. From Councilmember Allen; a Petition signed by 77 residents of the Syringa St. area protesting Z-04-96, 4720 S. Cedar St.

PUBLIC HEARINGS

A. In consideration of the approval of an application for Industrial Facilities Exemption Certificate for General Motors Corporation Small Car Group, Plant #6, 401 Verlinden St.

Jim Zubkus of 2464 Emerald Lake Dr. in E. Lansing spoke in support of requests for industrial facility exemption certificates from General Motors Corp. Lansing is their #1 car producing city, however, the facilities here are very old.

Jim Wiemels of 3736 Summit Ridge Dr. in Rochester Hills, Vice President of General Motors and Manager of the Small Car Group, spoke in support of their application for tax abatements and thanked Council for their past support.

Gary Bernath of 7677 St. Clair Rd. in Elsie, representing UAW Local #602 spoke in support of the General Motors requests for tax abatements. The expansion of the General Motors facilities will not create a drain on the resources of the City of Lansing, he said. However, it will allow them to expand the "J" car production.

Carl Koenigscknecht of 410 N. Elm St., Fowler, Chair of the business and Industrial Counsel for the Greater Lansing Regional Chamber of Commerce, spoke in support of the GM requests for tax abatements. Approving these requests would provide a benefit to the Lansing Community.

Russell Terry of 121 E. Mt. Hope said that the tax abatements that Waterford Township (near Detroit) granted to General Motors did not stop them from closing the plant they were operating there. General Motors made promises to them to keep jobs in their areas if tax abatements were approved. The more cuts cities give to General Motors, the more they kick their tax payers in the butt. General Motors rewards cities who give them tax abatements by laying off workers. He would support the tax cuts if General Motors committed to a match. For every $1,000,000 worth of tax cuts, they should put $1,000,000 worth of people to work.

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John Rock of 111 Swallow Tail Lane in Okemos, General Manager of the Oldsmobile Division in Lansing, and Chair of the Community Relations Counsel, said that he also serves on the Chamber of Commerce Board of Directors, as well as on many other boards of charitable institutions in Lansing. Oldsmobile, he said, is now down to a 2-3% share of the market on a national basis. Most of their competition comes from Toyota and Nissan who have managed to capture greater market shares because of their lower prices. The automotive business is market driven. He urged Council to approve their abatements and allow them to renovate their facilities in Lansing. The City will still realize an increased tax payment from them. It will not be losing, it will allow General Motors to build a more cost effective product.

Bill Luetuge of 1114 E. Geneva in Dewitt said that he represents General Motors, from their Tax Staff in the Detroit Office. Many other states give similar incentives. General Motors paid over $17,000,000 to Lansing area communities in the past year. And, they will pay more than that next year. General Motors will not realize $1.00 in tax savings from these exemptions. What they are attempting to do is to maintain a manufacturing base in this community.

Ralph Shepard of 12916 Georgia Ave., Grand Ledge stated that he represents 13,500 UAW members as the President of UAW Local 652. He is here to see to the job security of his people. General Motors is asking the City for a fair playing field. They are investing additional money in the community. People here tonight have mentioned plant closings, like Willow Run, however, there should be no question about General Motor's commitment to Lansing.

Mark Eggleston of 4001 Heathgate spoke in support of the General Motors applications for tax abatements. Lansing residents are already concerned about the future of GM in Lansing. Some people would describe these abatements as corporate welfare, however, the City could lose $3,000,000 to $6,000,000 per year in income tax payments made by GM employees who will invest $6,500,000 into the Lansing community over the next few years. General Motors has been a good neighbor to Lansing. They have contributed the Oldsmobile Classic & Oldsmobile Park. We are not likely to see another Willow Run situation in Lansing.

Rich Ruis of 105 Old Mill Pond in Grand Ledge, President of the Capitol Choice Chamber Counsel of the Greater Lansing Chamber of Commerce spoke in support of the two tax abatements. They will affect thousands of future jobs in the City of Lansing.

Chris DeRose of 1561 N. Genesee urged Council to tie these tax abatements to abatement of the odor emissions problem the West Side has had with the Lansing Car Assembly Plant for the last 20 years. General Motors has not corrected this problem, even though they have had 20 years to do so. They have entered into a consent agreement to correct the odor emissions problem, yet they still have not done so. He can support the abatements if they are conditioned upon the resolution of the odor problem. When the 1991 abatements were approved, GM promised to take care of the odor problems, but they have not.

John Strickler Communications Director for the Board of Water & Light urged approval of these abatements. General Motors is the main-stay of the Lansing economy. They pay over $13,000,000 per year in local property taxes and have ½ billion dollars invested in facilities in the Lansing area.

Ron Callen of 501 McPherson said that the odor emissions from the Verlinden St. plant is an embarrassment and discomfort to the residents of the west side. He asked Council to see that this problem gets resolved.

Deborah Mulcahey of 1244 S. Genesee Dr. spoke in support of the concept of tieing the tax abatements to the resolution of the odor emissions situation. There is a 24 hour hotline for complaints regarding the odor emissions the number is 342-8592 and citizens interested in participating in an odor emissions study may call 885-1161 and speak with Roger Munion. General Motors does not deserve these tax abatements, unless they can become good neighbors by meeting minimal air quality standards of the State of Michigan.

Lloyd Teets of 116 E. Elm St. said that these abatements amount to nothing more or less than corporate welfare. He asked Council how much this $21,000,000 tax abatement would cost each of the 126,000 citizens of Lansing. He does not oppose the abatement, but feels that if it is approved GM should pay their fair share of sewer, water and electrical rates, and that the resolution of the odor emissions problem should be tied to the abatement. Additionally, he is opposed to offering GM abatements in terms of their storm water rates.

Chris Holman of 300 S. Washington stated that he is a business owner in the downtown area. These abatements will affect 16,000 employees in the Lansing area, which makes this a decision of major importance. These abatements are so important that they should be considered on their own merit, not tied to another issue.

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Terry Warren of 3965 Okemos Rd. in Okemos, said that he is here representing the Greater Lansing Regional Chamber of Commerce in support of the two tax abatements requested by GM. This decision is a significant one and affects the viability of the Lansing business community in the future, as well as each individual who lives in Lansing. This is a very important economic development decision.

Joette Woodward-Yauk of 605 Westmoreland, Steam Utility Director of the Board of Water and Light, urged Council's approval of the abatements. They should be considered on their own merits. She said that in the time that she has lived in her home, General Motors has greatly improved their air quality actions. They are operating under a consent order by the State of Michigan. They have to answer to a regulatory agency on this issue and that is where the City should leave it.

Carol Rall of 1608 W. Shiawassee said that she has suffered headaches, sore throats and nausea, caused by the odor emissions from the Verlinden Street Plant.

Steve Rall of 1608 W. Shiawassee said that General Motors partnership with the City of Lansing should be extended to the residents who live around the West Side Plant. He urged Council to tie the tax abatements to the reduction of the odor emissions problem that their neighborhood has lived with for at least 20 years.

Trygve Vigmostad of 321 Kensington, on behalf of the Chamber of Commerce, spoke in support of the approval of the two tax abatements.

James Walle of General Motors Legal Defense Team in Detroit said that GM has multiple odor emission problems. They have addressed this issue repeatedly, but every time they solve one odor problem, they uncover another one. They are addressing these problems as they are discovered. It is not appropriate to tie bar the odor emissions issue to the tax abatement issue. General Motors has spent and will continue to spend millions of dollars addressing this issue. The only way to ensure that there are absolutely no odor problems is to eliminate the facility.

James Giddings of 1557 Northshire Dr., Judge in the 33 Circuit Court, said that he used to live in the West Side Community that is here protesting the odor problems from the Verlinden St. Plant. This community has discussed the odor problem on at least two occasions when tax abatements have been proposed. They have asked to have resolution of the odor issue tied to the last two abatements that were granted to GM. General Motors said that they would clean up the odor problem, but that has not been done, and now Council is considering another request for abatement. Perhaps it is time for Council to consider forcing GM to do something more than make promises.

Bernard Sinclair of 4607 Alpha said that General Motors Executives should be living in Lansing and contributing to the community on a personal basis.

Leo Jerome said that he is moving into the Lansing area this week and acquiring two General Motors Dealerships. General Motors has shown their faith in the Lansing area in a way that he has never seen business do before. There is teamwork between the City of Lansing and General Motors. Consider the LPGA Oldsmobile Classic, Oldsmobile Park and the proposed Vision Center at the old Ottawa St. Power Plant. Their General Manager sits as the President of the Chamber of Commerce as well as serving on a multitude of other City Boards. He stated that he will employ over 300 people and will provide a substantial tax base to the City of Lansing. Foreign car manufacturers avoid these types of pollution problems by utilizing robots and machines rather than human laborers who spend their money in the community in which they live.

Tom Smith of 722 N. Logan said that cars are the enemy of the people. Lansing, he said, is a poverty stricken city and GM does not care about it.

Richard Baker of 1625 W. Kalamazoo, President of WSNA, said that, if Oldsmobile will do what they are saying they are going to do, attaching conditions to the tax abatement should not cause them any problems.

Patty Yauk of 1809 Osborn said that it has been well over 20 years that this neighborhood has been working on the air pollution in their area. She urged Council to tie the tax abatement to the resolution of the odor emissions problem.

Councilmember Lilly announced that due to a failure to provide adequate notice to property owners, there will be another Public Hearing on this Subject on Monday, October 7, 1996. He asked the Deputy City Attorney if it is appropriate for the Development and Planning Committee to take up discussion of this issue prior to the occurrence of the second public hearing.

Mr. Roberts answered that he does not have an immediate answer to Councilmember Lilly's question. He will research the issue and

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respond to him by tomorrow.

Councilmember Lilly stated that this issue will be scheduled for discussion at next week's Development and Planning Committee Meeting. He asked the legal representative of General Motors to supply his committee with a copy of the Consent Agreement under which the Verlinden St. Plant is operating.

President Jones declared a ten minute recess of this City Council meeting at 8:35 P.M. and reconvened the meeting at 8:45 P.M.

B. In consideration of the approval of an application for Industrial Facilities Exemption Certificate for General Motors Corporation Small Car Group, Plant #1, 920 Townsend Ave.

Comments on this scheduled public hearing were taken in conjunction with Public Hearing VI A.

PUBLIC COMMENT

Dorothy Jones of 426 W. Barnes asked Council to settle an issue regarding fees being charged for the use of rooms at Community Centers. One of the groups that she is a member of was told that they would be charged at a rate of $10.00 per hour for the use of Community Center rooms. She is unaware of any Council Action authorizing the collection of these fees.

Bernie Sinclair of 4607 Alpha St. stated a protest regarding his storm water enterprise fund fee and said that he will not pay it.

Dolores Maidlow-Kramer of 2806 Forest Rd. said that she does not believe that the City Attorney's opinion on the South Side Community Center funding issue that was given last week is legal. This seems to her to have been a politically expedient opinion.

Lynn Densmore of 2910 Beau Jardin asked Mayor Hollister to remove the moratorium on the construction of the South Side Community Center.

James Baker of 204 E. Syringa Dr. spoke in opposition to Z-04-96, 4720 S. Cedar St. He agreed with the request from the previous speaker about removing the moratorium on the south side community center.

Councilmember Allen asked audience members who attended tonight's meeting for the purpose of opposing Z-04-96 to stand. Approximately 30 people stood.

Emly Horne of 110 W. Hodge spoke in opposition to Z-04-96 on behalf of the South Side Neighborhood Action Committee and urged the Mayor to put the construction of the South Side Community Center back on track.

Lloyd Teets of 116 E. Elm St. spoke in opposition to fees being charged for room rental at community centers. He stated his opinion on Mayor's Hollister's "Let's Make a Deal" approach to the issues of the South Side Community Center, North Side Police Precinct and the Boys and Girls Club and with regard to the Demmer Corporation request for Tax Abatement.

Mark Canady of 3421 Tecumseh River Rd., Attorney for the owners of 4720 S. Cedar St. and their petition for Z-04-96. He urged Council not to approve the resolution denying this rezoning petition. This is the third rezoning petition that Ted and Dick Hacker have filed on this property. The location and surrounding business make this property unsuitable for anything other than commercial uses. It cannot be marketed as residential or D-1 Professional Office. The only appropriate and reasonable use for it is commercial. This is consistent with the Master Plan, in fact, the Planning Board voted to approve the rezoning. Further the business that is interested in purchasing the property following it's rezoning, has been trying to move into the City for 2½ years. He distributed pictures of the property to Councilmembers.

Ted Hacker of 3301 Moores River Dr. reminded Councilmembers that he mailed them a letter in August describing the history on this property. He and his brother have tried to reach a reasonable solution to the objections of the neighborhood, and had thought that they were finally in agreement. He asked Council tq approve their rezoning as requested.

Tom DeBoer of 8275 Collingway Dr. in Grand Rapids said that he represents the business from Grand Rapids that is trying to move into the Lansing Area. They have sought rezoning on other properties that would have suited their needs, but they were not approved. Ninety percent of the work that is done by his client is done off site. They are auto glass specialists and they are getting discouraged about moving into Lansing. He urged Council to vote no on the resolution denying Z-04-96.

Reverend Lester Stone, Pastor of the Friendship Baptist Church at 1603 W. Kalamazoo urged attendance at the "March for Justice" to be held on September 28, 1996 beginning at Sexton High School. He refuted allegations that their march will amount to an attack on the City. This March is deeply rooted in their faith and what they think God is all about. The implications of the

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allegations is that people are concerned about this event. And, well they should be. This is a March to address the injustices that they see in the law enforcement segment of their community. It is about police brutality.

Ammahad Shekarakki of 902 W. Willow said that the United States is the most racist country in the world. He urged participation in the "March for Justice" to make headway against the slave owner mentality held by politicians and police officers.

Roxanne Johnson of 1302 Pompton said that the "March for Justice" will be a peaceful demonstration, not a march against LPD. It is a march to express their objections to injustices perpetrated against them. She encouraged Councilmembers to participate in the march.

Willie Davis of 1136 Shepard said that the "March for Justice" will address the grievances of the Black, Indian, Asian and Mexican communities, as well as other minorities. He urged Councilmembers to participate in the march.

Richard Fiser of 12100 S. Cork in Morrice, Michigan asked when he could expect a response to his Stormwater Enterprise Fund fee appeal.

Paul Scott of 412 W. Kilborn urged Councilmembers to support the request for Community Use Fund appropriations for the Old Town Oktoberfest. He stated his opposition to a telephone surcharge to support the 911 program. He supports the denial of Z-04-96 and said that the City needs to update it's master plan.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Z-15-96, 2202 S. Wadsworth and 3818 Pleasant Grove, Colonial Townhouses Cooperative, Petition for Rezoning from "CUP"/"C" Residential to "DM-1" Districts filed by Jeffrey P. Ray, P.C. to allow for continued operation of Cooperative and use of Structure at 3818 Pleasant Grove as Office, and possible construction of a Pole Barn for Storage

REFERRED TO THE MAYOR AND THE PLANNING BOARD

B. Letter from the State of Michigan Department of Transportation submitting MDOT Contract #96-5441, for Extension of the I-496 Westbound On Ramp and Replacement of the I-496 Guardrail from Clare St. to the East City Limits

REFERRED TO THE MAYOR

C. Application for Industrial Facilities Exemption Certificate filed by Demmer Corporation of 3525 Capital City Blvd.

REFERRED TO THE MAYOR AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

D. Letters in support of the Applications for Industrial Facilities Exemption Certificates filed by General Motors Corp. for their Townsend and Verlinden St. Plants from:

- Delta Charter Township
- UAW Local 602

REFERRED TO THE MAYOR AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

E. Letters from the State of Michigan Department of Consumer & Industry Services, Liquor Control Commission re:

- Denial of Request for Transfer of 1996 SDD-SDM filed by Ahey Haddad, Inc. from L & M Quick Stop, Inc.

- Denial of Request for Transfer of 1994 Class C-SDM filed by Huapei Incorporated from Nappy Enterprises

RECEIVED AND PLACED ON FILE

F. Stormwater Enterprise Fund Appeals from:

- Samuel Santos Baldino, Jr. 836½ E. Shiawassee
- Mary E. Kaller 1131 Cawood St.
- Larry L. & Carole C. Parker 1416 New York Ave.
- Blanche Bader 2623 Wilson St.
- Ann Joseph 247 Harris St.

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

G. Letter from Donald W. Hough, Owner of BRD Printing in support of the declaration of a Renaissance Zone in the Seven Block Area

REFERRED TO THE COMMITTEE OF THE WHOLE

H. Letter from the Tri-County Women's Coalition requesting an appropriation of funds for the

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Installation and Removal of the Women's History Month Banners

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

I. Letter from the South Side Action Committee stating their Opposition to Z-04-96 as filed.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

J. Letter from the Ingham County Library Board inviting Councilmembers on a Tour of the ICL Facilities

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

K. Letter from Kristine Manion, Area Coordinator of Neighborhood Watch No. 260 in Support of the North Side Precinct and Neighborhood Network Center in the Prudden Building

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON WAYS AND MEANS

L. Letter from Reverend Lester D. Stone of the Friendship Baptist Church regarding the "March for Justice" to be held on Saturday, September 28, 1996

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Councilmember Lilly asked Mayor Hollister about the progress of the Greater Lansing Area Hockey Association proposal for a Dome at Washington Park. Mayor Hollister reported that Mr. Sykes along with Jack Nelson met with GLAHA last week. The Planning Board will take up the issue and should have a proposal in the next couple of weeks.

Councilmember Allen asked Mayor Hollister about the status of the MUCC building. Mayor Hollister responded that developers are working with MUCC and a specific announcement is expected within the next two weeks.

Councilmember Leeman said that someone on Mayor Hollister's staff is inappropriately referring calls about the GLAHA project to City Council and asked that this error be corrected. Mayor Hollister assured Councilmember Leeman that he will correct the problem.

Councilmember Bauer asked Mayor Hollister about the status of the CATA Ground Transportation Center. The Mayor told Councilmembers that a week ago CATA closed on the land acquisition and the property was transferred from the City to CATA. The cost to the City was reimbursed. Further, the updated agreement between the City and CATA states that CATA no longer wants the City to assume responsibility for a partnership in the venture. They are willing to take full responsibility for the project. The City no longer has any risk, it has been assumed 100% by CATA. Construction should begin around the first of October.

Councilmember Bauer asked Mayor Hollister about plans for celebration of the 150th Anniversary of the declaration of the City of Lansing as the State Capitol. Mayor Hollister responded that a Commission has been established and has been meeting on a regular basis. Councilmember Benavides is on the Commission and could probably offer more information.

Councilmember Benavides said that the Commission has been meeting on a regular basis. There are 30 people on this committee. He will provide Councilmembers with a draft report of their recommendations. This should be out by November.

Council President Jones thanked Mayor Hollister for his letter regarding the moratorium on the South Side Community Center construction. He requested that they consider putting in space for a branch library. Mayor Hollister reported that a meeting is scheduled for October 14th on construction of the Center.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letter from the Board of Water and Light submitting their 1996 Audit Report and the Board of Water & Light Employees Pension Fund

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

C. Letters from the Mayor re:

1/ Transfer of Funds: Public Service Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ 1996 Carry Forwards

REFERRED TO THE COMMITTEE ON WAYS AND

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MEANS
3/ Reciprocal Transfer of Employee Agreement between the City of Lansing and Watertown Township on behalf of Schafer Perfection Bakeries and Enprotech Mechanical Services, Inc.

REFERRED TO THE COMMITTEE OF THE WHOLE

4/ Appointment of Kerrin O'Brien of 119 S. Fairview St. to the Mayor's Recycling Advisory Committee for a Term To Expire June 30, 1999

RECEIVED AND PLACED ON FILE

5/ Letters of Appreciation

RECEIVED AND PLACED ON FILE

6/ Arts and Cultural Grant Recipients FY 1997

RECEIVED AND PLACED ON FILE

7/ Trash Violation Fee (V-33, Memo 2)

RECEIVED AND PLACED ON FILE

8/ Human Services Needs Assessment Report, City of Lansing

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

9/ Request for Community Promotion Appropriation for Old Town Art and Oktoberfest

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

10/ Michigan Section of American Water Works Association appointment of Susan McCormick from the Lansing Board of Water & Light as Chair

RECEIVED AND PLACED ON FILE

11/ Appointment of Cheryl VanDeKerkhove of 303 S. Holmes St. to a "Zone B" Seat on the Principal Shopping District Board for a Term to Expire June 30, 1999

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

12/ Appointment of Tim Barron of 328 W. Ottawa St. Suite C to an "Adjacent Resident" Seat on the Principal Shopping District Board for a Term to Expire June 30, 1997

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

13/ Appointment of Vance Bonham, Jr. of 544 Collingwood Dr., E. Lansing to a "Zone B" seat on the Principal Shopping District Board for a Term to Expire June 30, 2000

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

14/ Appointment of Joseph Chin of 500 E. Knight, Eaton Rapids to a "Zone A" seat on the Principal Shopping District Board for a Term to Expire June 30, 1998

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

15/ Appointment of Judith Corlett of 831 Collingwood, E. Lansing to a "Zone A" seat on the Principal Shopping District Board for a Term to Expire June 30, 1998

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

16/ Appointment of Ken Stockwell of 4436 Satinwood, Okemos to a "Zone A" seat on the Principal Shopping District Board for a Term to Expire June 30, 1997

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

17/ Appointment of Gina M. Torielli of 797 Sherwood, Williamston to a "Zone A" seat on the Principal Shopping District Board for a Term to Expire June 30, 2000

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

18/ Appointment of Patricia Cook, of the City of Lansing Economic Development Corporation to a "Zone A" seat on the Principal Shopping District Board for a Term to Expire June 30, 1999

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

RESOLUTION #444
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the matter of replacing the South Cedar Street skywalk near Maplewood School,

REPORTS AS FOLLOWS: The Committee received a verbal update from a staff engineer of the Public Service Department. The Administration is gathering information about a replacement for the skywalk, including whether ADA requirements will have to be met with a ramped approach on both sides. Such requirement would be

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PROHIBITIVE, SINCE PROPERTY WOULD NEED TO BE ACQUIRED TO ACCOMMODATE THE FOOTPRINT OF THE RAMPS. A CONSULTANT WILL ALSO BE ENGAGED, USING FUNDS FROM THE INSURANCE PAYOUT. THE COMMITTEE WILL CONTINUE TO KEEP THE COUNCIL UPDATED ON THIS ISSUE. NO ACTION IS REQUIRED AT THIS TIME.

SIGNED: SANDY ALLEN
HAROLD LEEMAN
ELLEN BEAL

BY COUNCILMEMBER ALLEN:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #445
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
Z-4-96, 4720 SOUTH CEDAR STREET

"A" RESIDENTIAL TO "F" COMMERCIAL AND "A" RESIDENTIAL DISTRICTS

WHEREAS THOMAS P. DEBOER HAS REQUESTED TO REZONE THE PROPERTY AT 4720 SOUTH CEDAR STREET, MORE PARTICULARLY DESCRIBED AS:

> COMMENCING ON THE WEST LINE OF S. CEDAR STREET, 984.5 FT. NORTH OF THE SOUTH LINE OF SECTION 33, T4N, R2W, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, THENCE WEST 313 FT., THENCE NORTH 161.7 FT., THENCE EAST 313 FT., THENCE SOUTH TO THE POINT OF BEGINNING

FROM "A" RESIDENTIAL TO "F" COMMERCIAL AND "A" RESIDENTIAL DISTRICTS, AND

WHEREAS THE PLANNING BOARD HELD A PUBLIC HEARING ON THIS REQUEST ON MAY 7, 1996 AT WHICH TIME MR. DEBOER SPOKE AND A NEIGHBORHOOD REPRESENTATIVE APPEARED TO COLLECT INFORMATION AND STATED THAT FOR A PREVIOUS APPLICATION FOR THIS PROPERTY THE NEIGHBORHOOD HAD DEVELOPED A POSITION PAPER THAT RECOMMENDED THE FRONT 183' OF THE PROPERTY BE REZONED TO "D-1" PROFESSIONAL OFFICE DISTRICT, AND

WHEREAS THE PLANNING BOARD AT THEIR MEETING OF MAY 21, 1996 UNANIMOUSLY (6/0) RECOMMENDED APPROVAL OF THE REQUEST TO REZONE THE FRONT (EAST) 183' TO "F" COMMERCIAL DISTRICT WHILE RETAINING "A" RESIDENTIAL DISTRICT ZONING ON THE REAR (WEST) 130', AND

WHEREAS THE CITY COUNCIL HELD A PUBLIC HEARING FOR THIS REQUEST ON JULY 15, 1996 AT WHICH TIME MR. DEBOER SPOKE ON BEHALF OF THE PETITION AND SIX PERSONS SPOKE IN OPPOSITION TO THE PETITION, AND

WHEREAS THE COUNCIL COMMITTEE ON DEVELOPMENT AND PLANNING, TO WHOM WAS REFERRED THE REPORT OF THE PLANNING BOARD, UNANIMOUSLY (3-0) RECOMMENDED DENIAL OF THE REQUEST FINDING THAT USES ALLOWED WITHIN THE PROPOSED ZONING DISTRICT ARE INCOMPATIBLE WITH THE SURROUNDING RESIDENTIAL USES AND THE VEHICULAR TRAFFIC GENERATED FOR THE USES MAY ADVERSELY IMPACT THE TRAFFIC AND PEDESTRIAN CIRCULATION AT THE CEDAR AND SYRINGA STREET INTERSECTION AND ON SYRINGA STREET, A LOCAL STREET,

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF LANSING DENIES THE REQUEST BY THOMAS P. DEBOER TO REZONE THE PROPERTY AT 4720 SOUTH CEDAR STREET, AS DESCRIBED ABOVE, FROM "A" RESIDENTIAL DISTRICT TO "F" COMMERCIAL AND "A- RESIDENTIAL DISTRICTS.

BY COUNCILMEMBER LILLY

TO AMEND THE RESOLUTION IN THE "NOW THEREFORE BE IT RESOLVED" CLAUSE TO INSERT THE WORD "Z-04-96" FOLLOWING THE WORDS "4720 SOUTH CEDAR STREET", AND TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED

BY COUNCILMEMBER ALLEN

TO CALL THE QUESTION OF THE VOTE ON THE RESOLUTION AS AMENDED TO A VOTE

CARRIED UNANIMOUSLY

COUNCILMEMBER LILLY'S MOTION WAS:

CARRIED UNANIMOUSLY

RESOLUTION #446
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE APPOINTMENT OF RONALD KOENIG, 626 WEST WILLOW, TO THE HISTORIC DISTRICT COMMISSION WAS CONFIRMED BY CITY COUNCIL ON SEPTEMBER 9, 1996; AND

WHEREAS, THIS APPOINTMENT WAS GIVEN A JUNE 30, 2000 EXPIRATION DATE; AND

WHEREAS, BOTH THE HISTORIC DISTRICTS, SITES AND STRUCTURES ACT (P.A. 1970, NO 169) AND THE HISTORIC DISTRICTS ORDINANCE SPECIFY THAT THE TERM OF HISTORIC DISTRICT COMMISSION MEMBERS SHALL BE THREE YEARS IN DURATION;

NOW, THEREFORE, BE IT RESOLVED, THE

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appointment of Ronald Koenig to the Historic District Commission shall expire on June 30, 1999.

September 23, 1996

By Councilmember Lilly

Carried unanimously

RESOLUTION #447
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Carol L. Skillings, 701 McKim Avenue, to fill a vacancy in an At-Large seat on the Traffic Board, for a term to expire June 30, 1999; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found her to be qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Carol L. Skillings to an At-Large seat on the Traffic Board, for a term to expire June 30, 1999.

By Councilmember Allen

Carried unanimously

THIS RESOLUTION WAS PULLED AND REFERRED TO THE COMMITTEE OF THE WHOLE

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Michigan Public Act 29 of 1994 allows the Ingham County Board of Commissioners options that would provide additional revenue to support operation of 911 Emergency Communications Centers in the county, including a voter-approved telephone surcharge of up to 16 percent, or a Commission-approved telephone surcharge of up to four percent; and

WHEREAS, the Board of Commissioners is considering an amendment to their 911 Service Plan that will provide the option to charge up to a four percent telephone surcharge; and

WHEREAS, the Board of Commissioners have asked City elected officials to tell them the City's position on this matter; and

WHEREAS, the County's current allocation of funds, the source of which is a voter-approved county-wide millage, provided to operate the Lansing 911 Emergency Communications Center is about $2,348,000 toward FY 97 expenses, which are budgeted at $2,961,000 for the year, or 79.3 percent; and

WHEREAS, a combination of the existing millage plus a telephone surcharge of up to four percent on all telephone bills in Ingham County would cover more actual operating costs, including better staffing to reduce the high level of overtime that has been a long-term problem in the Lansing 911 Center; and

WHEREAS, the Committee on Public Safety has examined this issue with the Chief of Police and the 911 Center Director, and recommended that the City Council express support for the telephone surcharge, provided the new revenue realized adds to the current allocation to the Lansing 911 Center in order to cover at least 90 percent of current operating costs;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby adopts a position in support of an amendment to the Ingham County 911 Service Plan, which would permit a telephone surcharge of up to four percent on all telephone bills in Ingham County toward the cost of 911 Emergency Communications systems, provided that net additional revenue realized from the surcharge is passed on by the County to cover at least 90 percent of operating costs of the Lansing 911 Center; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the Ingham County Board of Commissioners.

RESOLUTION #448
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the annual Michigan Law Enforcement Torch Run for Special Olympics occurs this year during September 21 - 26; and

WHEREAS, this event raises money and builds support for Michigan Special Olympics, which provides 20,000 mentally retarded and developmentally disabled persons in our state the opportunity to train and compete in 21 sports; and

WHEREAS, more than 30 members of the Lansing Police Department will participate in the Run, which involves a 28-mile relay run around the Capital City on Saturday, September 21, starting in front of the State Capitol and ending at Oldsmobile Park; and

WHEREAS, in addition, over the following week,

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LPD officer Dave Blackman, Captain Helen Perry-Buse, Officer Kip Effman, Lieutenant Chris Magnus, officer Terry Revall, officer Darin Southworth, Sergeant Mary Stevens, Officer Jim Thornburg, and officer Dan Zolnai will donate off-duty time to participate in a series of runs in 13 Upper Peninsula communities; and

WHEREAS, the LPD runners hope to match or exceed their fund raising success in 1995, when they raised over $30,000 to support Michigan Special Olympics;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council- hereby designates September 21 through 28, 1996, as "Michigan Law Enforcement Torch Run week in Lansing;" and

BE IT FURTHER RESOLVED the members of this Council commend all participants from the Lansing Police Department for their involvement in this worthy cause.

By Councilmember Beal

Carried unanimously

RESOLUTION #449
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously established a Lansing Plant Rehabilitation District (#5) on May 23, 1977 on property at 401 Verlinden, Lansing, Michigan, more fully described on Attachment 1 and

WHEREAS, General Motors Corporation, Small Car Group, Lansing Car Assembly, has applied for an Industrial Facilities Exemption Certificate (IFT-2-96) for the installation of new manufacturing equipment to be located within said established district; and

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on General Motors Corporation's application for an Industrial Facilities Exemption Certificate (IFT-2-96), to allow for any residents and taxpayers to appear and be heard; and

NOW, THEREFORE BE IT RESOLVED that such public hearing shall be held in the City Council Chambers, Tenth Floor, Lansing City Hall, Lansing, Michigan, on Monday, the 7th day of October, 1996 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City, and that the City Clerk be requested to give at least ten (10) days notice of a public hearing and that the legislative body of each taxing unit levying ad valorem taxes on this property as well as the owners of real property located within the established District be also notified of this application and the scheduled public hearing.

By Councilmember Lilly

Carried unanimously

RESOLUTION #450
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously established a Lansing Industrial Development District (#5) on May 23, 1977 and also previously established a Lansing Industrial Development District (#8-80) on December 22, 1980 on property at 920 Townsend, Lansing, Michigan, more fully described on Attachment 1; and

WHEREAS, General Motors Corporation, Small Car Group, Lansing Car Assembly, has applied for an Industrial Facilities Exemption Certificate (IFT-1-96) for the installation of new manufacturing equipment to be located within said established district; and

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on General Motors Corporation's application for an Industrial Facilities Exemption Certificate (IFT-1-96), to allow for any residents and taxpayers to appear and be heard; and

NOW, THEREFORE BE IT RESOLVED that such public hearing shall be held in the City Council Chambers, Tenth Floor, Lansing City Hall, Lansing, Michigan, on Monday, the 7th day of October, 1996 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City, and that the City Clerk be requested to give at least ten (10) days notice of a public hearing and that the legislative body of each taxing unit levying ad valorem taxes on this property as well as the owners of real property located within the established District be also notified of this application and the scheduled public hearing.

By Councilmember Lilly

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a letter from City Council Principal Legislative Assistant, Ron Onufer regarding the charging of fees for the use of Community Center rooms

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REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2. From Councilmember Allen; a letter from O. Moore of 101 E. Holmes Rd. regarding the need for sidewalk repair on Stabler St.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

3. From Councilmember Allen; a letter from Mary Odiorne of 5511 Kaynorth, #5 regarding the separation of the North Side Police Precinct and the South Side Community Center issues

RECEIVED AND PLACED ON FILE

4. From Councilmember Allen; a letter from Steven T. Spees, III of 3608 Coachlight Common and a Petition signed by 25 residents of Coachlight Common requesting the installation of stop signs on their street

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE TRAFFIC BOARD

5. From Councilmember Allen; a Petition signed by 77 residents of the Syringa St. area protesting Z-04-96, 4720 S. Cedar St.

RECEIVED AND PLACED ON FILE

PUBLIC COMMENTS

Donna Ewing of 3915 Hillborn told Councilmembers that the Lansing School District has told her that all of the classes they listed in the Community Services Guide will be canceled as of next term.

Chris Cotter of 2111 Harding Ave. said that everyone knows that GM will get their tax abatement. We also know what would happen to the City if GM should decide to pull out of town. His concern is senior citizens who are frequently being overlooked. They have not been able to take part in the economic boom of the 90's. He advocates a hardship waiver for the rain fee for senior citizens who cannot afford to pay their fees. If the City can afford a $21,000,000 tax abatement for General Motors, then it can certainly afford a hardship waiver.

Paul Scott of 412 W. Kilborn thanked Council for the Public Forum on the discussion of the North Side Police Precinct. He has heard rumors that the repairs needed to the City Hall Police Headquarters are code compliance issues which would have to be made whether the police stay in the building or not. He urged Council to push for an updated master plan so that situations like Z-04-96 do not keep happening. He inquired as to the status of the repaving of Kilborn St. Nothing has been done on it for two weeks.

COUNCILMEMBER ALLEN LEFT THIS MEETING OF THE LANSING CITY COUNCIL AT 10:30.

Lloyd Teets of 116 E. Elm St. said that the failure to provide proper notice to home owners that rendered tonight's public hearing on the General Motors tax abatements illegal is nothing more than incompetence. He advocated a commodities methodology rate for the Stormwater Enterprise Fund fees.

COUNCILMEMBERS COMMENTS

Councilmember Leeman reported that the Public Service Department notified him that the Stormwater Enterprise Fund fee appeal notices had all been mailed out in August. However, they did not all go out until September. He advised anyone who has not received their notice to call the Mayor's Office, or Public Service Director Lenora Jadun.

COUNCILMEMBER LILLY LEFT THIS MEETING OF THE LANSING CITY COUNCIL AT 10:40 P.M.

Councilmember Bauer commended Emly Horne for the meeting on the South Side Community Center. She urged her colleagues to read the Point of View written by Susan Barclay about Lansing Schools, and thanked Paul Scott.

Council President Jones said that he will recommend the appointment of five people to the Task Force created by the Lansing School Board. He will appoint Arnold Abent, Shirley Purdy, Gregory Koessel, Howard Jones and Ellen Beal.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Liza Estlund-Olson reported that the School District is no longer participating in the Community Services Guide. Also, 95% of the appeal notices have been sent. She urged citizens who have not received their notices to call the Stormwater Number to see why they have not gotten one.

ADJOURNED 11:00 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS SEPTEMBER 30, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by Council President Jones

APPROVAL OF MINUTES

By Councilmember Allen

To Approve the Printed Proceedings of September 16, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a Resolution approving an Appropriation of Community Use Funds for Student Government Days

2. From Councilmember Benavides; a letter from Mayor Hollister requesting approval of the sewer rate increase

3. From Councilmember Novak; a letter from Willie Williams of 505 W. Lenawee regarding the abuse of public comment privileges by persons addressing Council

4. From Councilmember Beal; a Resolution establishing Budget Policies and Priorities for FY 97/98

PUBLIC COMMENT

Willie Williams of 505 W. Lenawee objected to the public speaking habits of Mr. Lloyd Teets.

Ed Simmer of 2609 Dier said that the responsibility for injustices in the legal system lies with Ingham County Prosecutor Donald Martin.

Frank Curtis "X", no address listed, spoke regarding the death of Edward Swans.

Pastor David Maxwell of 4320 Stillwell called for action on the part of the community to ensure equal justice to everyone.

Vanessa Pops of 221 Westmoreland related incidents of police harassment of her son and his friends because of suspicion of gang activity. She called for an investigation of the Lansing Police Department and Prosecutors Office.

Clifford Helton of 543 E. Edgewood said that injustice is a reality administered by the Lansing Police Department. Honorable and up righteous people need to rise above it.

Deedee Yaller of 1105 S. Pennsylvania described the Lansing Police Department as "low down" and said that they look at her house everyday as if something is wrong.

Lois Beavers of 131 E. Jolly Rd. #E-1 related an incident that occurred when her son was in high school and was issued a traffic ticket by LPD. Her family fought the ticket and were later the targets of harassment by the Police Department.

Alberta Jordan of 1649 Greencrest Ave. in E. Lansing said that her son was arrested and convicted for three armed robberies because of "trumped up charges by the Lansing Police Department."

Larry Broughton of 5001 Southwick Circle agreed that the responsible party in all of this injustice is Ingham County Prosecutor Donald Martin and that City Council and the Lansing Police Department are taking the heat for a lot of his decisions.

Victoria Castillo of 1024 Porter said that the Lansing Police Department has a problem with minorities.

Lloyd Teets of 116 E. Elm St. spoke in support of justice for all people.

Paulo Gordillo of 3118 Scarborough called on all members of minority races to unite to fight

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AGAINST INJUSTICE.

JOHN HOWARD OF 5831 ROCKINGHAM RELATED AN INCIDENT INVOLVING HIS ARREST AT A LOCAL BAR.

JEANNETTE HILL RESNICK OF 509 WALBRIDGE IN E. LANSING STATED THAT SHE WAS ACCUSED OF STALKING AND PLANNING A MURDER. SHE STATED THAT SHE DID NOT RECEIVE A FAIR TRIAL IN JUDGE GIDDINGS COURT.

SHIRLEY ANDERSON OF 4125 N. GRAND RIVER #7 SAID THAT SHE HAS BEEN RAPED SO MANY TIMES SHE CANNOT REMEMBER HOW MANY. WHEN SHE ATTEMPTED TO GET HELP SHE WAS COMMITTED TO A MENTAL HOSPITAL.

ROXANNE JOHNSON OF 1302 POMPTON SAID THAT SHE AND A FRIEND WERE ARRESTED FOR NO OTHER REASON THAN BEING WITHIN 2 BLOCKS OF A DRUG HOUSE.

LEE TAYLOR OF P.O. BOX 20044 CRITICIZED THE ATTITUDES SHOWN BY COUNCILMEMBERS DURING THIS MEETING. HE CALLED FOR DRUG TESTING OF ALL LPD OFFICERS.

RITA BUNTON OF 3311 BRISBANE SAID THAT IN 1989 HER DAUGHTER WAS ALMOST HIT BY A HIT-AND-RUN DRIVER. THE POLICE DID NOTHING ABOUT IT UNTIL HER FAMILY INSISTED.

PETER BUNTON OF 3311 BRISBANE SAID THAT THE PROBLEM IS PERCEPTION. POLICE OFFICERS PERCEIVE THAT ALL YOUNG BLACK PEOPLE ARE DOING SOMETHING WRONG. THIS IS WHAT WE NEED TO CHANGE.

TODD MIRELES OF 1097 MEADOWLAWN SPOKE IN SUPPORT OF THE CALL FOR JUSTICE. HE DOES NOT BELIEVE COUNCIL CAN DO ANYTHING FOR THEM. ONLY THE PEOPLE, WORKING TOGETHER CAN SOLVE THIS PROBLEM.

REVEREND LESTER STONE, PASTOR OF FRIENDSHIP BAPTIST CHURCH AND "MARCH" ORGANIZER, SAID THAT EVERYONE WHO IS PRESENT TONIGHT TO ADDRESS THIS ISSUE SHOULD BE ALLOWED TO SPEAK. THEIR EFFORTS ARE AGAINST OPPRESSIVE LAW ENFORCEMENT. LAW ENFORCEMENT IN LANSING IS SICK AND NEEDS EMERGENCY CARE. HE LISTED THE FOLLOWING DEMANDS: ESTABLISH A POLICE REVIEW BOARD, HOLD AN ANNUAL CONFERENCE ON POLICE BEHAVIOR, CRIMINAL PROSECUTION OF LPD OFFICERS WHO MURDERED EDWARD SWANS, A RESIDENCY REQUIREMENT FOR LPD OFFICERS, FAIR REPRESENTATION OF MINORITIES ON THE LANSING POLICE FORCE, REHABILITATION OF AN UNJUST COURT SYSTEM.

EDGAR LEE WILLIAMS, A VISITOR FROM ALABAMA, SAID THAT HE HAS BEEN HERE SINCE JUNE 1996 AND HAS BEEN STOPPED 5 TIMES.

ROBERT (NO LAST NAME GIVEN) OF 110 EASTPOINTE LANE IN E. LANSING SAID THAT HE HAS BEEN A VICTIM OF SELECTIVE PROSECUTION IN LANSING. HE WAS THE VICTIM OF A BEATING. THE PROSECUTOR DROPPED THE CHARGES IN THE CASE SINCE HE HAD A PRIOR RECORD.

MARTHA WALKER OF 1010 S. LENAWEE SPOKE REGARDING HER SON, MARKEE WALKER, WHO WAS IMPRISONED ON A MURDER CONVICTION, BUT IS INNOCENT.

JO WEBB OF 308 RUMSEY SAID THAT HER CHILDREN HAVE BEEN HARASSED BY THE POLICE FOR 30 YEARS. THEY HAVE WAITED TOO LONG FOR JUSTICE.

A RESIDENT OF 1295 TUCKER, WHO DID NOT GIVE HIS NAME, ACCUSED THE LPD OF RACIAL SLURS AGAINST HIM.

TRACI HAMPTON OF 1608 W. WASHTENAW SPOKE REGARDING A FAMILY WHO WERE ARRESTED AFTER PULLING INTO THEIR OWN DRIVEWAY. EVERYONE IN THE GROUP WAS ARRESTED. SOME CHARGES WERE SUBSEQUENTLY DROPPED.

PASTOR LAWRENCE HINTON SPOKE REGARDING THE LENGTH OF TIME IT TOOK THE LPD TO RESPOND TO A BURGLARY AT HIS HOME IN 1962.

ANGELA MATTHEWS, ADDRESS NOT GIVEN, COMMENDED THE ORGANIZERS OF THE MARCH FOR JUSTICE ON IT'S SUCCESS.

ERIC BOSLEY, NO ADDRESS GIVEN, SAID THAT HE WORKS IN THE PRISON SYSTEM. SOMETHING IS WRONG WITH AMERICAN PRISONS. THEY ARE GROWING AND GROWING.

WILLIE DAWSON OF 1304 THEODORE SAID THAT SHE HAS BEEN STOPPED SEVERAL TIMES BY LPD OFFICERS CLAIMING THAT HER HEADLIGHTS DO NOT WORK. WHEN HER HUSBAND CHECKS THE LIGHTS, THEY WORK.

NANCY HUMMEL, NO ADDRESS GIVEN, SPOKE IN SUPPORT OF THE MARCH.

RODNEY HARRIS, NO ADDRESS GIVEN, SAID THAT HE PARTICIPATED IN THE MARCH. HE WAS STOPPED BY THE LPD AND REQUIRED TO SHOW HIS AUTOMOBILE INSURANCE.

COMMUNICATIONS AND PETITIONS

BY COUNCILMEMBER ALLEN

THAT COMMUNICATIONS AND PETITIONS BE CONSIDERED AS BEING READ IN FULL AND THAT THE PROPER REFERRALS BE MADE BY PRESIDENT JONES

CARRIED UNANIMOUSLY

A. LETTER FROM INGHAM COUNTY CLERK SUBMITTING A STATEMENT OF MILLS TO BE SPREAD FOR TAX

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REFERRED TO THE MAYOR

B. Letter from Waverly Community School submitting 1996 Tax Rate Request (form L-4029) and Millage Request Report

REFERRED TO THE MAYOR

C. Letters from Ingham Intermediate School District submitting the following:

- 1996 Winter Tax Levy
- 1996 Tax Rate Request (Form L4029) and Winter Tax Levy Summary

REFERRED TO THE MAYOR

D. Petition signed by 100 people in support of the construction of a Dome at Washington Park

REFERRED TO THE MAYOR AND THE COMMITTEE OF THE WHOLE

E. Letter from James Magnotta of 3615 Delta River Dr. in support of the construction of a Dome at Washington Park

REFERRED TO THE MAYOR AND THE COMMITTEE OF THE WHOLE

F. Stormwater Enterprise Fund Fee appeals received from:

- Catholic Diocese of Lansing 300 W. Ottawa (12 parcels)
- Reid Machinery, Inc. 303 S. Martin Luther King Blvd. (3 Parcels)
- Lansing Towers 610 W. Ottawa
- Scott R. Holiday 418 W. Greenlawn
- Redeemer Lutheran Church 2727 W. Holmes Rd.
- Louise M. Mallen 3300 Ingham St.
- Alice Susan Gendell 627 W. Hodge Ave.
- Mount Hope Presbyterian Church 301 W. Jolly Rd.
- George R. Broadbent 3215 Manley Dr.
- George A. VanLancker 2818 Manley Dr.

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

G. Letters from Vern Thompson of 639 Berry Ave. regarding General Motor's requests for Industrial Facilities Exemption Certificates for their Townsend and Verlinden Plants from:

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

H. Z-16-96, Vacant Property S. Side of 1200 Block of W. Jolly Rd., Petition to Rezone from "A" Residential to "F" Commercial District filed by Mitchel and Michael Skory of 1906 E. Miller Rd. to allow for construction of a small commercial strip mall with approximately 6 stores

REFERRED TO THE MAYOR AND THE PLANNING BOARD

I. Letter from Continental Cablevision submitting an Amendment to their Social Contract adopted by the FCC on August 21, 1996

REFERRED TO THE CITY ATTORNEY

J. Notice from the State of Michigan Child & Family Services of an application for Child Foster Group Home filed by Khadiiah Bradley of 3205 Hepfer and associated listings of residential facilities

REFERRED TO THE MAYOR

K. Letter from Public Policy Associates of 231 E. St. Joesph submitting the withdrawal of their request for Z-14-96, 325 N. Chestnut

RECEIVED AND PLACED ON FILE

L. Letter from the Reverend Lester D. Stone regarding "The March For Justice" to be held Saturday, September 28, 1996

REFERRED TO THE COUNCIL PRESIDENT

M. Letter from James J. Jackson of 3121 Nonette Dr. requesting information about the Human Relations Board

REFERRED TO THE CITY ATTORNEY

N. Notice from the State of Michigan Department of Natural Resources of Permit #966156 issued to the City of Lansing for Sewer System Extension to Markham Superstore

REFERRED TO THE MAYOR

O. Notice from the State of Michigan Department of Natural Resources of Permit #966158 issued to the City of Lansing for Sewerage System Construction for University Club Condominiums

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister urged Councilmembers to move forward with increases to sewer rates, saying, "we can move forward with new rates and still work on a new methodology". He has put this request in writing to Councilmembers and

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submitted it as a late item for tonight's agenda.

He said that he has been very moved by tonight's presentation. He will be in contact with Reverend Stone and will do the best he can to come back to him with an approach that addresses the concerns expressed by participants of the March tonight.

Councilmember Allen asked the Administration to check into the complaint from Tom Shiels about the cemetery gate being left open.

Councilmember Beal asked why groups are still being told that there is a fee for the use of community center rooms. This issue was addressed at the last meeting and was supposed to be taken care of, however, someone was informed that they would be charged a fee today by Murdock Jemerson. Mr. Wiener responded that "for profit" organizations are charged fees, however, non-profit groups are not.

Councilmember Leeman asked the listening public not to bombard the Council Staff with phone calls.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Directive from City Council Principal Legislative Assistant, Ron Onufer regarding the format of the Agenda for the City Council Meeting of September 30, 1996 (Fifth Monday in September)

RECEIVED AND PLACED ON FILE

C. Letters from the City Attorney re:

1. Terry J. McKane v City of Lansing, Ingham County Circuit Court

RECEIVED AND PLACED ON FILE

2. Glenn Tomasone v City of Lansing, Ingham County Circuit Court

RECEIVED AND PLACED ON FILE

D. Letter from the Board of Water & Light submitting a Contract for the Purchase of their Office Building located at 123 W. Ottawa St. and the Associated Parking Lot located at 221 N. Capitol Ave. by Commercial Acquisitions, L.L.C.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

E. Letters from the Mayor re:

1/ Public Improvement V, Actual Cost Mall Maintenance Special Assessment

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

2/ Transfer of Funds: Police Department

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Letter of Appreciation from Henry Finney to Detective Dave Casterline of LPD

RECEIVED AND PLACED ON FILE

4/ Letter of appreciation from LaVon Martemucci to David Fehar of the Public Service Department

RECEIVED AND PLACED ON FILE

5/ Rotary Club Signature Project Update

RECEIVED AND PLACED ON FILE

6/ Letters in Support of the North side Police Precinct

RECEIVED AND PLACED ON FILE

7/ Request for Community Promotions Appropriation from "Michigan Stand for Children"

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

8/ Z-11-96, Portion of 800 E. St Joseph St., Planning Board Recommendation

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

9/ Z-12-96, 617 W. Ionia St., Planning Board Recommendation

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

10/ Z-13-96, Northeast Corner of Saginaw and Westmoreland, Planning Board Recommendation

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

11/ Appointment of Paula D. Cunningham of 4152 Rivershell Ln. to the Economic Development Corporation Board of Directors

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FOR A TERM TO EXPIRE FEBRUARY 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

12/ APPOINTMENT OF RICHARD J. BAKER OF 1625 W. KALAMAZOO TO THE CAPITAL REGION AIRPORT AUTHORITY FOR A TERM TO EXPIRE IN OCTOBER 1996 AND TO A CONTIGUOUS TERM TO EXPIRE OCTOBER 2000.

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

13/ REAPPOINTMENT OF MARY JAMES OF 303 N. JENISON TO THE PARK BOARD FOR A TERM TO EXPIRE JUNE 2000

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

14/ APPOINTMENT OF JOHN L. POLLARD TO THE PARK BOARD FOR A TERM TO EXPIRE JUNE 2000

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

COMMITTEE REPORTS

RESOLUTION #451
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, TO WHOM WAS REFERRED DRAFT AMENDMENTS TO THE PURCHASING ORDINANCE,

REPORTS AS FOLLOWS: THE COMMITTEE DISCUSSED WITH THE CITY ATTORNEY AND REPRESENTATIVES OF THE CITY ADMINISTRATION THE APPROACH TO LOCAL PREFERENCE PROVIDED BY THESE AMENDMENTS. THE COMMITTEE IS NOT RECOMMENDING ACTION ON THE PURCHASING AMENDMENTS AT THIS TIME. THE COMMITTEE ASKED THE ATTORNEY TO REPORT BACK WITHIN 30 DAYS ON DIFFERENT APPROACHES TO MEETING THE GOAL OF DOING BUSINESS WITH LOCAL FIRMS THAT REFLECT LANSING'S CULTURAL DIVERSITY, INCLUDING RECOMMENDATIONS ON AMENDMENTS TO OTHER CHAPTERS IN THE CITY CODE. THIS REPORT IS FOR INFORMATION ONLY, AND NO COUNCIL ACTION IS REQUIRED.

SIGNED: TONY BENAVIDES, CHAIR
JOAN BAUER, VICE CHAIR
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #452
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, TO WHOM WAS REFERRED A LETTER FROM BEN BEHNKE REGARDING CITY OF LANSING HIRING PROCEDURES,

REPORTS AS FOLLOWS: THE COMMITTEE REVIEWED MR. BEHNKE'S LETTER AND TOOK TESTIMONY FROM HIM. MR. BEHNKE'S COMPLAINT CONCERNS HIS APPLICATION FOR EMPLOYMENT IN THE LANSING FIRE DEPARTMENT. HE WAS NOT CONSIDERED BECAUSE HE IS NOT A CITY RESIDENT. ON OCTOBER 2, 1995, THE CITY COUNCIL ADOPTED A RESOLUTION APPROVING THE PERSONNEL SERVICES DIRECTOR'S USE OF CITY RESIDENCY AS AN ADDITIONAL FACTOR TO BE CONSIDERED DURING THE RECRUITMENT AND HIRING PROCESS. THE COMMITTEE NOTED THAT HIRING WAS AN ADMINISTRATIVE FUNCTION UNDER THE MAYOR'S CONTROL. THE COMMITTEE ADVISED MR. BEHNKE THAT HE HAD THE OPTION OF FILING A COMPLAINT WITH THE HUMAN RELATIONS AND COMMUNITY SERVICES DEPARTMENT, WHICH INVESTIGATES SUCH TYPES OF COMPLAINTS. THIS REPORT IS FOR INFORMATION ONLY, AND NO COUNCIL ACTION IS REQUIRED AT THIS TIME.

SIGNED: TONY BENAVIDES, CHAIR
JOAN BAUER, VICE CHAIR
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #453
REPORT OF COMMITTEE

THE COMMITTEE ON WAYS AND MEANS, TO WHOM WAS REFERRED THE MATTER OF SEWER RATES,

REPORTS AS FOLLOWS: THE COMMITTEE HAS DISCUSSED RATE METHODOLOGY AT GREAT LENGTH OVER SEVERAL MEETINGS. AFTER FURTHER DISCUSSION, THE COMMITTEE VOTED 2-0 TO RECOMMEND THAT THE COUNCIL CHANGE SEWER RATE METHODOLOGY TO FOLD ALL COSTS INTO A SINGLE COMMODITY CHARGE. THE COMMITTEE DIRECTED THE INTERNAL AUDITOR TO WORK WITH THE CITY ATTORNEY TO PREPARE NECESSARY ORDINANCE AMENDMENTS THAT WILL ACCOMPLISH THIS OBJECTIVE. THIS REPORT IS FOR INFORMATION ONLY.

SIGNED: ELLEN M. BEAL
HOWARD JONES

BY COUNCILMEMBER BEAL:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

FOLLOWING EXTENSIVE DEBATE ON THIS ITEM, THE FOLLOWING MOTION WAS MADE:

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By Councilmember Lilly

To call the question of receipt of the Committee Report to a vote

Carried unanimously

COUNCILMEMBER BEAL'S MOTION FOR RECEIPT OF THE COMMITTEE REPORT WAS:

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Jones, Lilly

NAYS: Councilmembers Benavides, Leeman, Novak

RESOLUTIONS

RESOLUTION #454
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for City license, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services recommends that the license be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following applications for City license:

PEDDLER LICENSE:

Richard E. Gee, 3200 S. Hollister, Ovid

WASTE HAULER LICENSE:

Granger Container Service, Inc., 16980 Wood Rd., Lansing

Allied Disposal Co., Inc., 5293 Clise Rd., Bath

Capitol City Lawn Care, Inc., 611 Gale Rd., Eaton Rapids

By Councilmember Benavides

Carried unanimously

RESOLUTION #455
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following FY 97 transfers be approved-

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$15,000	CDBG-Building Rehab. 52-932663-975201-32000	CDBG-Loan Default 252-932663-741831-32000

(Establishment of loan default guarantee for rehabilitation of two unit residential property. To be in effect for seven years.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$74,424	Est. Revenue-Act 51 Major 202-0-170001-0 $74, 424	Special Work Authoriz.-Even Years 202-453633-746704-0

(Year end special authorization from MDOT for modernization of traffic signals on Trunklines at intersections of Kalamazoo & Larch and Kalamazoo & Cedar. Revenue detail account 202-061 7900-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$ 100, 000	Est. Revenue-Act 5 1 Major 202-0-170001-0	Special Work Authoriz.-Even years 202-453633-746704-0

(Year end special work authorization from MDOT for improvements to intersection of Martin Luther King, Jr. Blvd. & Oakland, and S. Cedar between Miller and Edgewood. Revenue detail account 202-0-61 7900-0).

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$60,096	Est. Revenue-Act 51 Major 202-0-170001-0 $60,096	Special Work Authoriz.-Even Years 202-453633-746704-0

(Year end special work authorization from MDOT for minor modification of signal controllers at 12 trunkline locations, and complete modernization of signal at Cedar & Jolly. $2,690 in City. Match included in budget. Revenue detail account 202-0-61 7900-0.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$15,000	Fund Balance-Act 51 Major 202-0-390001-0 $15,000	Pedestrian Overpass Repair 202-453631-974401-0

(Maintenance of overpass at Fairview and Grand River. Overpass is owned by Lansing Township, but used by children attending Fairview School. Cost of repairs to be equally shared between

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City and Township.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$50,400	Fund Balance-Recycling Fund 597-0-390001	
$15,000		Recycle Misc. & Oper Exp 597-453685-741000-0
$ 8,000		Transfer Station-Equipment 597-453687-977000-0
$27,400		Transfer Station-Misc. & Oper. 597-453687-741000-0

(Purchase 2000 replacement recycling bins. Purchase Recycling drop off box and floor scale and ramp. Make health and safety related improvements to the transfer station.)

By Councilmember Beal

Carried unanimously

RESOLUTION #456
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following FY 96 transfer be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$186,222.58	Est. Rev.-Park Millage 412-0-170001-0	Park Millage-Fund Balance 412-0-390001-0

(Interest allocation for FY 96, per City Council Resolution of 9/19/90, credited to revenue detail account 412-0-670000-0. Funding is to remain designated for Council action within Fund Balance.)

By Councilmember Beal

Carried unanimously

RESOLUTION #457
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Michigan Public Act 29 of 1994 allows the Ingham County Board of Commissioners options that would provide additional revenue to support operation of 911 Emergency Communications Centers in the county, including a voter-approved telephone surcharge of up to 16 percent, or a Commission-approved telephone surcharge of up to four percent; and

WHEREAS, the Board of Commissioners is considering an amendment to their 911 Service Plan that will provide the option to charge up to a four percent telephone surcharge; and

WHEREAS, the Board of Commissioners have asked City elected officials to tell them the City's position on this matter; and

WHEREAS, the County's current allocation of funds, the source of which is a voter-approved county-wide millage, provided to operate the Lansing 911 Emergency Communications Center is about $2,348,000 toward FY 97 expenses, which are budgeted at $2,961,000 for the year, or 79.3 percent; and

WHEREAS, a combination of the existing millage plus a telephone surcharge of up to four percent on all telephone bills in Ingham County would cover more actual operating costs, including better staffing to reduce the high level of overtime that has been a long-term problem in the Lansing 911 Center; and

WHEREAS, the Committee of the Whole has recommended that the City Council express support for the telephone surcharge, provided the new revenue realized adds to the current allocation to the Lansing 911 Center in order to cover at least 90 percent of current operating costs;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby expresses support for an amendment to the Ingham County 911 Service Plan, which would permit a telephone surcharge of up to four percent on all telephone bills in Ingham County toward the cost of 911 Emergency Communications systems, provided that net additional revenue realized from the surcharge is passed on by the County to cover at least ~~90~~ *90* percent of operating costs of the Lansing 911 Center; and

BE IT FURTHER RESOLVED this Council urges Lansing representatives to the Board of Commissioners to vote against any attempt to provide the telephone surcharge in order to reduce the 911 millage, which would result in no net revenue gain and no benefit to residents of the City of Lansing; and

BE IT FURTHER RESOLVED the Clerk is requested to forward a copy of this resolution to the Ingham County Board of Commissioners.

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By Councilmember Beal

To accept a friendly amendment proposed by Councilmember Leeman to amend the resolution in the "NOW THEREFORE BE IT RESOLVED" clause to state:

"NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby expresses support for an amendment to the Ingham County 911 Service Plan, which would permit a telephone surcharge of up to four percent on all telephone bills in Ingham County toward the cost of 911 Emergency Communications systems, provided that net additional revenue realized from the surcharge is passed on by the County to cover at least *95 PERCENT* of operating costs of the Lansing 911 Center;"

and to place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #458
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Eleanor P. Dillon is retiring from her job with the Michigan Federation of Teachers, and is moving to Charleston, South Carolina, in November; and

WHEREAS, Eleanor came to Lansing in 1986, lived in a downtown apartment for more than a year, then bought a home on North Walnut; and

WHEREAS, Eleanor quickly became a vocal neighborhood activist, working with the City to have drug dealers evicted, and involving herself in the Downtown Neighborhood Association; and

WHEREAS, after chairing the association's Land Use Committee, Eleanor was elected President in 1992 and served until the fall of 1994, earning nomination for the Bea Christy Award; and

WHEREAS, Eleanor has also participated in the Lansing Neighborhood Council, Lansing 2000, Friends of the City Market, Paint Blitz, the Mayor's Neighborhood Advisory Board, and other neighborhood-oriented organizations; and

WHEREAS, Eleanor has had a profound effect on the Capital City during her nine years here;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this 30th day of September, 1996, hereby commends and expresses heartfelt gratitude to Eleanor P. Dillon, as she leaves Lansing for a well-deserved retirement, for her energy and many hours of hard work to make our neighborhoods, and especially the downtown neighborhood, better for all residents.

By Councilmember Beal

Carried unanimously

RESOLUTION #459
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Charter of the City of Lansing requires the council adopt an annual statement of Budget Policies and Priorities serving to guide the administration in developing and presenting the Fiscal Year 97-98 budget; and

WHEREAS, the policies contained herein re-affirm the City Councils commitment to the improvement and maintenance of infrastructure; the preservation and improvement of clean, safe, well-maintained neighborhoods, including parks; comprehensive and affordable recreational programs and youth and family services; automation of work programs for improved efficiency in service delivery; and containment of costs.

NOW, THEREFORE, BE IT RESOLVED that the following statement of policies and priorities shall remain in effect from the date of adoption and shall govern budget development in FY 97-98 and all successive years unless otherwise amended:

1. That the Administration shall provide $250,000 above the Fiscal Year 96-97 L.P.D. overtime appropriation for the purpose of providing enhanced patrol coverage throughout the Fiscal Year.

2. Automation of labor intensive services continues to be a priority for improving the efficiency and economy of City programs with primary emphasis on automation of revenue generating and public safety programs. Additionally, it is of paramount concern that automated programs have appropriate and comprehensive security. Recommended expenditures shall be tied to the City's computerization plan.

3. The City of Lansing shall not acquire buildings for the purpose of demolition unless the estimated cost of rehabilitation exceeds the estimated cost of acquisition and relocation. Any exception to this policy may be authorized by City Council.

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4. The Parks and Recreation Department is requested to provide costs and location recommendations for outdoor ice rinks in developing and presenting the FY 98 budget. Ice rinks shall be fully operational by the beginning of the Lansing School District's Winter Break.

5. Development of comprehensive and accessible recreation programs and recreational opportunities, particularly those directed at youth, seniors and families, are to be a top priority in developing the FY 98 budget. Consistent with this priority the administration is directed to provide the utmost cooperation and support to local individuals, groups, and non-profit agencies requesting assistance with developing and expanding youth recreation activities. Accordingly, the Administration is directed to pursue a cooperative effort with East Lansing to provide a skateboard-roller blade facility at Ranney Park.

6. $20,000 be budgeted in the General Administration Account Series for the purpose of sponsoring neighborhood associations, use, and use by other community based nonprofit organizations, as approved by City Council, of city facilities.

7. The Administration shall develop and present goal based performance indicators through which City programs and functions can be monitored and evaluated.

8. The Administration shall present the number of budgeted positions per Department, for the past five years and the average cost per budgeted position for each year.

9. The Administration work with the State of Michigan for a separate Equity or PILOT payment that offsets the Ad-Valorem Tax revenues lost to the 193 acres occupied by State of Michigan facilities.

10. The Administration shall annotate mandated expenditures by citing the appropriate reference (e.g. statutory reference, Federal Register number, etc.) for all legally mandated programs by Department.

11. A complete report regarding all City owned property, including that titled to the Board of water and Light, shall be submitted to City Council in accordance with the City Charter.

12. Any and all additions, deletions, and amendments to policy shall be summarized and communicated in a separate section of the Mayor's recommended budget. Any policy changes not specifically delineated in this section shall be null and void, and of no effect.

13. All administrative transfers shall be submitted to the City Council through the Monday night agenda for referral. All transfers shall be placed on the agenda the Monday following approval.

14. It shall continue to be a high priority of this council to dedicate intermittent and one-time revenues, and all revenues in excess of expenditures in any given fiscal year, to capital improvement needs, subject to provisions of the Budget Stabilization Fund Ordinance.

15. $100,000 of CDBG Funds shall be dedicated to repaving local streets in CDBG eligible areas; and

BE IT FURTHER RESOLVED that the following policies and priorities shall govern from the date of adoption until the end of Fiscal Year 97-98.

1. A minimum of $7,420,000, inclusive of all funding sources, shall be dedicated to basic and routine street rehabilitation in FY 98. Any transportation system improvement funded shall be in addition to the $7,420,000 needed to conduct annual rehabilitation activities. In addition $100,000 above the FY 96-97 appropriation, shall be allocated to sidewalk repair and replacement.

2. Exclusive of Parks Millage Funds and funds dedicated to street rehabilitation, a minimum of 2.7% of FY 98 General Fund appropriations shall be devoted to capital improvements.

3. No new positions shall be approved in the FY 97-98 Budget.

4. The Administration shall design, fund, and present to City Council a program dedicated to school patrol both within and adjacent to schools. This program shall include a component to effectively enforce truancy violations.

5. The Parks Department shall develop summer child care recreational programs to be offered from 7:00 AM to 6:00 PM, M-F. A minimum of two sites shall be offered. Locations shall be based on greatest population density of children, percentage of population below

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poverty, percentage of single parents, and available facilities in the area selected. Council anticipates levying a fee for this program including sliding-scale fee alternatives based on ability to pay for working parent(s) who may not otherwise afford child care in the summer. The City Council desires to see a cooperative effort between Parks & Recreation, Human relations & Community Services, and the Lansing School District. the addition day-long recreational programs shall be offered during normal work day hours to the fullest extent possible.

6. The administration shall develop and present a revised process for studying residential traffic concerns by including residents in both problem identification and problem resolution prior to implementing a formal traffic study. In addition, the administration research all possible methods, specifically including utilization of "planed" or modified speed bumps, to control speeds in residential areas and to re-direct cut-through traffic from residential areas to main streets.

7. The administration shall expand upon the current City-wide clean-up program offered through both CDBG and the General Fund to create an alley clean-up component comprised of removing brush, trimming trees, and installing necessary lighting for the purpose of providing security in problem areas.

8. The administration shall continue to implement all alternatives to improving the aesthetics of boarded-up houses, and research the legality of demolition if such standards cannot be met and maintained. In addition the Administration shall develop a plan for presentation to City Council to rehabilitate housing along highly visible corridors and around schools.

9. An additional $500,000 of Parks Millage Funds be allocated to the south Side Community Center project. This amount shall be in addition to allocations required under current policy.

10. $50,000 be appropriated to establish a low interest revolving loan fund available to owners of historic commercial buildings for preservation of these historic buildings.

11. The administration shall develop and present a package of incentives designed to assist first time low and moderate income home buyers, and co-operatives serving low and moderate income home buyers. This package should include consideration of, but not be limited to, low interest loans, down payment assistance, and use of CDBG rehabilitation funds which could serve as the equity investment for the purpose of obtaining a loan.

12. $60,000 shall be allocated to support Middle School athletic programs to provide for a four-day per week program contingent upon an appropriation of $12,000 by the Lansing School District to provide for transportation.

13. The Administration shall include full funding to update all Master Plans without increasing the baseline funding of the department.

By Councilmember Beal

To accept a friendly amendment proposed by Councilmember Benavides to amend the resolution in the 1997-98 policies section under paragraph #7 to add the following language to the end of that paragraph: "THE ADMINISTRATION IS HEREBY REQUESTED TO DEVELOP A CITYWIDE ONE-TIME AMNESTY PROGRAM FOR THE PURPOSE OF COLLECTING JUNK CARS, ABANDONED CARS AND DISABLED CARS WITHIN ALL OF THE CITY'S NEIGHBORHOODS", and to place an affirmative roll on the resolution as amended

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a Resolution approving an Appropriation of Community Use Funds for Student Government Days

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. From Councilmember Benavides; a letter from Mayor Hollister requesting approval of the sewer rate increase

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3. From Councilmember Novak; a letter from Willie Williams of 505 W. Lenawee regarding the abuse of public comment privleges by persons addressing Council

RECEIVED AND PLACED ON FILE

4. From Councilmember Beal; a Resolution establishing Budget Policies and Priorities for FY 96-97

HANDLED AS RESOLUTION #459

PUBLIC COMMENTS

Lloyd Teets of 116 E. Elm St. said that the City of Lansing Sewer Rate Methodology is just another example of cockeyed justice.

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COUNCILMEMBERS COMMENTS

Councilmember Bauer urged her colleagues to attend the Tri-County Office on Aging Open House.

Councilmember Allen urged participation in the Woldumar American Heritage Festival. An event at Woldumar Nature Center on Lansing Rd. to be held on Saturday, October 5, 1996 from 11:00 A.M. to 5:00 P.M. She announced the St. Casimir Spaghetti Dinner to be held on Saturday, October 12, 1996.

Councilmember Novak announced that Holy Cross Church will sponsor it's Annual OX Roast/Oktoberfest this Saturday and that Old Town will host it's Oktoberfest this weekend as well, running from Friday through Sunday.

Councilmember Leeman asked to go on record with the statement that Lansing has a good Police Department and Fire Department. There may be some problems, but overall, they do a great job. Complaints of the nature that have been aired here tonight should be brought to the attention of the Board of Police Commissioners.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener noted that this Friday will see the City hosting a reception in Council Chambers for the Mayor of Otsu, Japan, one of our Sister Cities.
He thanked Councilmembers for adopting a resolution of tribute to Eleanor Dillon and stated his agreement with the sentiments expressed in the resolution.

ADJOURNED 11:00 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS OCTOBER 7, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by Council President Jones

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of September 23, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Novak

To accept the following under suspension of the rules:

1. From Councilmember Novak; a letter from Hugh Clarke requesting reimbursement for the legal fees for the defense in the matter of the People v Sam Hopkins

2. From Councilmember Benavides; an Ordinance Repealing Chapter 274, 275 and Amending Chapter 297, Human Resources Advisory Board, for Introduction and Setting of Public Hearing

3. From Councilmember Benavides; an Ordinance Adding a New Chapter, Chapter 299, Affirmative Action Program, for Introduction and Setting of Public Hearing

4. From Councilmember Benavides; an Ordinance Amending Chapter 297, Affirmative Action Program, for Introduction and Setting of Public Hearing

5. From Councilmember Benavides; a Gift for Council President Jones from the visiting delegation from our Sister City, Otsu, Japan

6. From Councilmember Allen; a letter from Carol Wood regarding the Police Department Reorganization and the Morale in the Police Department

7. From Councilmember Allen; a letter from Kathy Jacobs suggesting an addition of services to the City Market

8. From Councilmember Allen; a memo to the Transportation Department regarding a parking problem on Fred St.

9. From Councilmember Beal; a request for the Discharge of the Committee on Ways and Means Committee on the subject of a Transfer of Funds for Council Staff and Channel 28, and a request that the resolution contained in tonight's packet be replaced by a substitute resolution

10. From Councilmember Allen; a letter from Reverend Lester Stone, Pastor of Friendship Baptist Church submitting a list of demands for reform in the Police Department

PUBLIC HEARINGS

A. In consideration of the approval of an application for Industrial Facilities Exemption Certificate for General Motors Corporation Small Car Group, Plant #6, 401 Verlinden St.

Mark Eggleston of 4001 Heathgate stated that he has changed his opinion of these tax abatements. He visited the neighborhood and agrees that the odor emissions problem should be resolved prior to the approval of another tax abatement.

Lloyd Teets of 116 E. Elm St. said that he supports the tax abatements because the tax is a bad one in the first place. It seeks to punish corporations for upgrading their equipment and capabilities. It us a regressive tax that should never have been levied, Approval of the tax abatement will allow General Motors to be competitive in the world market and help keep jobs in Lansing.

Russell Terry of 121 E. Mt. Hope said that he worked for General Motors at a Buick Plant in 1972. He lost his job even though the community approved tax abatements to GM. He criticized General Motors, saying, that when they make money they do not share it with their

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employees.

William Hubbell of Edgewood Dr. cautioned Councilmembers to make sure that the City will get something for their money.

Alex Bolt of 1230 Reo Rd. said that business taxes are always passed on to the customer.

Clyde Smith of 2244 Tecumseh River Dr. spoke in support of the abatements, because he wants General Motors to stay in Lansing as long as possible. The longer we keep them in Lansing, the more money we get from them in terms of jobs, taxation, and community support.

Councilmember Jones announced that the comments made at the first public hearing on this subject will be part of the public record on this subject and will be considered jointly with these comments by the Committee.

Councilmember Lilly announced that the Committee on Development and Planning will take up the issue of the two tax abatements this Thursday at 11:00 at their regularly scheduled meeting.

B. In consideration of the approval of an application for Industrial Facilities Exemption Certificate for General Motors Corporation Small Car Group, Plant #1, 920 Townsend Ave.

Comments on this Item were taken in conjunction with the Comments on Public Hearing A.

C. In consideration of Z-10-96, 5326 S. Pennsylvania Ave., Petition for Rezoning from "A" Residential to "F" Commercial District filed by Mark W. Warner to allow for the use of the Property for Office and Commercial Development

Councilmember Allen stated her support of rezoning this property, however, not to "F Commercial". This property should be rezoned to "D-1" Professional Office.

PUBLIC COMMENT

Fred Stackable of 300 N. Grand said that he does not believe that all Lansing Police Officers are bad officers, but there are a few that need attention. He stated a complaint that he has about LPD Officer Patty Reese.

Carol Wood of 1018 W. Lapeer said that she, along with the rest of her neighborhood, supports Lansing Police Officers. She does not always support the decisions of the administration, but she does support the officers.

Ed Eckart of 450 West St. said that he is working to derail racism in Lansing. He works with a committee that has 16 members of FOP on it. They started this committee to help solve issues of racism in Lansing. They engage in Dialogue Circles on racism at L.C.C. with youth and other members of the community. Additionally, they are setting up conferences at Dart Auditorium.

Luther Flannigan OF 408 Verlinden said that he is a partner of Ed Eckart in his anti-racism campaign. There are several anti-racism groups in Lansing that are making a very good effort to improve race relations in the city. He and his partner want to be part of the solution that is brought about. He encouraged those present tonight to participate and to encourage others to participate also.

Qunita Bean of 1904 William St. stated that she has been the victim of police harassment. She was on the way to church with her mother and sister when they were stopped by the police because their car looked like one that had been reported stolen. She is more afraid of the police than she is of crime in her neighborhood.

Frank Curtis "X" , no address listed, stated that he believes in reparation. He is waiting for his 40 acres and a mule. He sent his condolences to the family of the young man who was arrested for killing his grandmother. He stated a criticism of Ingham County Prosecuting Attorney, Donald Martin and said that they need the law to work with them.

Mark Eggleston of 4001 Heathgate spoke in opposition to 5 of the appointments proposed to the Principal Shopping District, because the people live outside of the City. He requested an explanation of why we cannot get people from Lansing to sit on this Board. He stated his support for the neighborhood grant program and for the proposal to take the sewer rate methodology back to a commodities basis. He empathized with Reverend Stone and his quest for justice. He too, is awaiting justice in his lawsuit against the Ingham County Board of Canvassers.

Rainer Delgado of 125 Cox Blvd. spoke regarding a statement in the Lansing State Journal from a Police Officer who stated that hostility towards the Police has grown since the March for Justice. He spoke in opposition to the appointment of Tim Barron to the Principal Shopping District, because he belittles minorities on his radio program.

Larry Broughton of 5001 Southwick Circle asked Mayor Hollister how Don Martin responded to the request for a meeting with him.

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Leigh Taylor of 2023 W. Main described what she perceives to be a problem with negativity in the Police Department towards the March for Justice. She said that at a recent meeting with Mayor Hollister, they requested that the Police Department and the Administration refrain from making negative statements, apparently the chief of police did not get the message. She said that complaints that have been sent to the Police Department have not been forwarded to the Board of Police Commissioners, and when they are forwarded, the BOPC does nothing.

Darnell Oldham, Sr. of 3815 Berwick Dr., said that although he has a lot of respect for Mayor Hollister, he has seen the same problem existing in the streets of Lansing for some time. The Police are routinely shaking down their young men, and more and more frequently, their older men too. He does not feel free to go out for a walk in his community, because he is afraid of the police.

Lloyd Teets of 116 E. Elm St. said that the former speaker should attend these meetings more frequently. He would not have such a high opinion of Mayor Hollister.

Vanessa Pops of 221 Westmoreland recited a poem she wrote about the search for justice coming to Lansing.

Ammanad Shekarakki of 902 W. Willow claimed that the tape of the detainment of Edward Swans shows that he was already dead when Police Officers wrestled with him and put their knees on his back.

Dennis White of 901 Hickory said that yesterday a Police Car pulled up in front of his house (where the Police routinely harass him and have done for the last 5-6 years) they chased he and his wife into their house. A struggle ensued when they attempted to force their way inside and he was injured and had to have 8 stitches in his finger.

Alex Bolt of 1230 Reo Rd. spoke in opposition to any increase in electric rates. He said that he is aware of one of the top civil engineers in the country that was interested in providing Lansing with an analysis of the CSO project, however, the City was not interested.

Bobby L. Bean of 724 Chicago Ave. stated an incident of harassment that involved him being stopped by the Police and harassed for turning right at a red light. The ticket he was issued was later dropped. Another incident involved him calling the police for one of his neighbors. They did not respond quickly, because he is black. This did not hurt him, it hurt his neighbor woman who was being robbed.

Connie Delaney of 3721 Aurelius Rd. said that the Stormwater Enterprise Fund Fee is a tax. This project does not benefit her property. As a matter of fact, it benefits only 23% of the City, the other 77% do not receive any benefit from it.

Helen Fiser of 12100 S. Cork in Morrice asked why the group named "Citizens for Fair Sewer Rates" do not put their names in their commercials so that people know who they are?

James Davis of 416 Rivershell Ln. stated that he is here to protest injustices perpetrated against his sons, daughters, grandsons, and granddaughters. They are tired of this injustice: They are also tired of City Councilmembers not doing their job.

Alberta Jordan of 1649 Greencrest in E. Lansing said that her son was convicted of three armed robberies that he did not commit because of false information given to the court by witnesses. Statements were made by the Lansing Police Department about the mental health of her family.

Reverend Melvin Jones of Union Missionary Baptist Church said that the March for Justice has brought meaningful issues to a head that need to be dealt with in this community. There is a lot of hard work ahead of us, but we must deal with these issues in a non-confrontational way. We need to listen to this dialogue and take meaningful steps to address these issues. He stated that his daughter, currently a student at North Carolina A & T University, recently befriended a young woman from a questionable part of town. While driving his Jeep Explorer to her house, his daughter was stopped for suspicion of drug use. We must listen to the dialogue here tonight and address the concerns raised.

Sam Hopkins of 112666 Hydra stated that he was a representative of the City of Lansing Fire Department for 30 years and always tried to be an upstanding citizen. He can withstand the persecution that has been put upon him by the City, but he cannot stand the persecution of his wife and children. It is no wonder that the Police can be allowed to perpetrate injustices when someone as high as the Mayor can stand up and call him (an innocent man) a criminal. He advised the speakers here tonight to look for more representation from the segment of the community that is being harassed.

Terry Whitesman of P.O. Box 848 in Dewitt said that the City of Lansing has no valid City

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Charter, and no valid Code of Ordinances. He described an incident of police brutality against him.

Reverent Lester Stone, 1603 W. Kalamazoo, Pastor of Friendship Baptist Church and March for Justice Organizer, said that the march is now in it's implementation stage. They are trying to do everything possible to achieve the goals of the march. Until that bright day of justices emerges in Lansing, their efforts will go on unabated. Mayor Hollister has admitted that the LPD has problems with Blacks, Hispanics, Asian, and American Indians. The Board of Police Commissioners are unable to objectively investigate and handle complaints against police officers.

R. Ovalla of 110 E. Pointe Ln. in E. Lansing said that he participated in the March for justice. He sends his condolences to the Swan family and the Bell family. He said that, in the ultimate judgement, we will all answer to the man upstairs.

Ruby Helton of 5718 Coulson Ct. said that she is a public servant. A professional. This problem with the police may be larger than anyone knows at this time. She related an incident in which her nephew was arrested for the robbery of a party store. He became a part of the criminal justice system, and not until after he took and passed a lie detector test did they take him out of the system. However, by that time his reputation had been ruined and he had incurred thousands of dollars in legal fees.

D.D.D. of 1105 N. Pennsylvania said that she is not able to pay her sewer bill. She lives on the north end and does not support the North Side Police Precinct. She demanded to know who would pay the shut-off notice on her sewer bill. City of Lansing Police Officers, she said, are dirty, low-down, no good, white Police Officers and the next time she comes up against one of them, she will "go totally out to lunch" because of the prescribed nerve pills and stress pills she takes.

Tracey Hampden, no address listed, said that there are many things wrong with the Board of Police Commissioners. No one on this board knows the extent of their power. She was in possession of information that would have affected their investigation on a case, however, they were not interested in it because they were afraid it would taint their efforts. The FBI was interested in it though.

Clyde Smith of 2244 Tecumseh River Dr. said that the Mayor has to take the rap for this situation. He does not believe that these are really his sentiments, however, ultimately, he will be the responsible party. Once all of these horror stories have been told, we must move on in a positive manner to solve the problems. We can only take one step at a time.

Geraldine Parks of 2824 Reo Rd. said that her son was convicted of a crime that he did not commit. He was released when they found out that he was innocent, then when he filed a law suit for wrongful imprisonment they picked him back up. They have him somewhere to this day and are doing tests on him.

Richard Fiser of 12100 S. Cork in Morrice, MI asked what has happened with his stormwater appeal.

Pete DeLuca of 800 W. St. Joe spoke in support of his request for rezoning of this property.

Chris Cotter of 2100 Harding Ave. spoke regarding the potential increase in sewer rates and on the Stormwater Enterprise Fund fee. He advocates a hardship waiver and a credit to be issued to people who have natural retention and/or leaching systems on their property and for people who are accepting runoff from city streets onto their properties. These people are not releasing water into the City's infrastructure.

David Reed of P.O. Box 6885 in E. Lansing spoke regarding the subpoenas he has had served on Mayor Hollister and the City of Lansing.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Reverend Lester Stone of Friendship Baptist Church regarding the "March for Justice" and ongoing efforts to fight police brutality and harassment

REFERRED TO THE COUNCIL PRESIDENT

B. Notice from the State of Michigan Department of Consumer & Industry Services of a permit for Temporary Outdoor Sale and Service of Alcoholic Beverages issued to the Blue Coyote Brewing Company with the stipulation that the Licensee will not permit the sale, service or consumption of alcoholic liquor outdoors except in defined areas

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RECEIVED AND PLACED ON FILE

C. Petition signed by 11 residents in the area of Grantsburg and Stillwell requesting that the City not reinstall an Guard Rail that was temporarily removed from the intersection of Grantsburg and Stillwell

REFERRED TO THE MAYOR AND THE TRAFFIC BOARD

D. Notice from Ingham County Drain Commissioner, Patrick E. Lindemann of a Special Assessment on the City of Lansing in the amount of $210,814 for the Tollgate Drain Drainage District

REFERRED TO THE MAYOR

E. Letter from the State of Michigan Department of Transportation submitting corrections to Contract #96-5441 construction on the on-ramp for Westbound Highway I-496

RECEIVED AND PLACED ON FILE

F. Letter from Lloyd R. Teets of 116 E. Elm St. stating his preference for a commodities based sewer rate methodology

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

G. Storm Water Enterprise Fund Fee appeals submitted by: Wesley Paul and Sherri J. Wiegman for properties located at: 1628 N. York Ave., 121 N. Hayford Ave., 126 S. Magnolia, 430 Pearl, 1036 N. Larch, 307 E. Hillsdale, 3236 Stabler, 3230 Stabler, 1926 Victor; Pat J. Ray of 6814 S. Washington; Michael L. and Connie K. Delaney of 3721 Aurelius Rd.; Mr. & Mrs. John C. Stabler of 1720 Doves Pl.; Blake J. Miller of 4925 Sidney; Joyce L. Hatch of 2130 Kingswood Dr.; Karla George of 2840 Hollywood St.; Villas of Woodgate of 301 E. Edgewood Blvd.

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

H. Principal Shopping District Special Assessment Tax Statements for Lansing Entertainment & Public Facilities Authority for the Location at 0 E. Shiawassee St. and the location at 420 E. Shiawassee St.

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister said that he appreciates people coming down and expressing their concerns over racism in the community. He acknowledges that it exists in our communities and needs to be addressed. This is something that has to be worked at and is being worked on. And we are doing better. They have listed nine items on their list that the administration is working on. He is scheduled to meet with this group again on Friday morning at 7:30 A.M. He will continue to work on their list. Chief of Police Boles did talk to the Public Relations people for his department to make sure that insensitive statements were not made, however, the statement that was printed in the newspaper was made by an officer on the scene of a crime. He was asked a question and he responded to it. He feels that the correct approach to this problem is the one spoken about by Reverend Jones and it is his suggestion that we work towards this objective together in a spirit of cooperation.

He will be distributing information to the group on Friday A.M. about the City's affirmative Action Program and Equal Opportunity Employment standards. He will share with them information about the Police and Fire contracts and the HOME Program. He will initiate a dialogue about the types of things they would like to see us do better with respect to these items. This was a good and productive meeting.

Councilmember Lilly said that his concern is that of the question of the effectiveness of the Board of Police Commissioners. He would like to see the Administration and Council cooperatively working with this Board. He suggested that a meeting be set up between the three entities to get a sense of how the Commissioners see their roll and their responsibilities. Mayor Hollister agreed with the suggestions made by Councilmember Lilly about a joint meeting, and added the suggestion that it be televised.

Councilmember Lilly suggested that the joint meeting take place during a regularly scheduled meeting of the Committee of the Whole.

Councilmember Allen said that she would like to have had some input into this suggestion. The Public Safety Committee should be the one to deal with this issue. She told Mayor Hollister that she would like to have been invited to the meeting he held with march organizers and would like to be involved in future meetings with this group and will plan to attend this Friday's meeting.

Councilmember Leeman asked about the status of the Civic Center. Did the City collect the money they were supposed to collect on this extension.

Mayor Hollister responded that the City

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collected $25,000 of the $50,000, if they do not move ahead by March of 1997, we collect $25,000 more.

Councilmember Bauer asked the Mayor to update Council on the progress of the Old Town Main Street announcement. Mayor Hollister said that the City has an application for a Main Street Designation pending. They expect an announcement to be made tomorrow.

COUNCIL PRESIDENT JONES RECESSED THIS MEETING OF THE LANSING CITY COUNCIL AT 9:35 P.M. AND RECONVENED THE SESSION AT 9:45 P.M.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS: Transfer of Class C, RIJA, Inc. from Lucky Mac, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re; Virgil Hiatt v City of Lansing, et al

RECEIVED AND PLACED ON FILE

D. Letters from the Board of Water & Light re:

1. Request for Public Hearing on the Sale of a Parcel of Property Acquired as Part of the Erickson Station Property

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2. Proposed Electric Rate Changes

REFERRED TO THE COMMITTEE OF THE WHOLE

E. Letters from the Mayor re:

1/ Tentative Meeting Schedule with the Lansing Board of Education's Ad Hoc Committee on Student Achievement

RECEIVED AND PLACED ON FILE

2/ Letter of appreciation from Robert Davis regarding the 24-hour Marathon Fund Raiser at Sexton High School

RECEIVED AND PLACED ON FILE

3/ Storm Water Enterprise Fund Detention Credit

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

4/ Transfer of Funds: Public Service and Labor Relations

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Letter of Appreciation from Guillermo Z. Lopez, Fiesta '96 & '97 Coordinator to Chief of Police Jerome Boles for the Cooperation of LPD in the Festival

RECEIVED AND PLACED ON FILE

6/ Letter of Appreciation from Guillermo Z. Lopez, Fiesta '96 & '97 Coordinator to Fire Chief Greg Martin for the Cooperation of LFD in the Festival

RECEIVED AND PLACED ON FILE

7/ Authorizing Refunding Bonds and Continuing Disclosure Undertaking

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

8/ Letter of Appreciation from Justin Brooks to LPD Officer Michelle Bryant of the South Side Police Precinct

RECEIVED AND PLACED ON FILE

9/ Request for Community Use Fund Appropriation from Michigan Capitol Healthcare Foundation

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

10/ Letter of Appreciation from Michael H. Dettmer, United States Attorney to LPD Officers William Byrnes and Ron Seyka

RECEIVED AND PLACED ON FILE

11/ Letter of Appreciation from President Bill Clinton to Fire Chief Greg Martin

RECEIVED AND PLACED ON FILE

12/ Acceptance and Dedication of Mullholland Drive and other Properties within Brentwood

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Condominiums

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

13/ Trash Violation Fee (V-33, Memo #3), $1,837.48

RECEIVED AND PLACED ON FILE

14/ Quality Dairy Co. Development Project

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

15/ Letter from Madelene Draher of 1513 Donora submitting an Article from the Indianapolis Star Newspaper on the Lansing Lugnuts

REFERRED TO COUNCILMEMBER LILLY

16/ Letter from Robert A. Welke of MDOT regarding Transportation Service Centers

RECEIVED AND PLACED ON FILE

17/ Letter of appreciation from Suzanne Elms-Barclay of the Sycamore Park/Parkdale Neighborhood Watch Area for Neighborhood Grant Appropriations

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #460
REPORT OF COMMITTEE
BY THE COMMITTEE ON GENERAL SERVICES

TO WHOM WAS REFERRED: A letter from Ms. Janet Clark of R.S.V.P. regarding City Senior programming needs.

REPORTS AS FOLLOWS: The Committee, after receiving the letter and discussing its contents with Ms. Clark, refers this matter to the Mayor for his review and recommendation. The committee did not support the creation of a new position because it conflicts with City Council policy, but encourages the Administration to work with R.S.V.P. to develop alternatives.

SIGNED: COUNCILMEMBER BENAVIDES,
COUNCILMEMBER BAUER
COUNCILMEMBER LILLY.

BY COUNCILMEMBER

That the Report of the Committee be Adopted.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Allen absent and unexcused)

RESOLUTIONS

RESOLUTION #461
BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously established a Lansing Plant Rehabilitation District (IPR-7-91) on September 30, 1991, on property commonly known as 705 E. Oakland Avenue, Lansing, Michigan, more fully described on Exhibit A, attached; and

WHEREAS, Demmer Corporation has applied for an Industrial Facilities Exemption Certificate for the equipping of the facility within said established district; and

WHEREAS, prior to acting on this request, it is necessary to hold a public hearing on Demmer Corporation's application for an Industrial Facilities Exemption Certificate (IFT-3-96), to allow for any residents and taxpayers to appear and be heard; and

NOW, THEREFORE BE IT RESOLVED that such public hearing shall be held in the City Council Chambers, Tenth Floor, Lansing City Hall, Lansing, Michigan, on Monday, the 21st day of October, 1996 at 7:00 p.m. and that notice of such hearing be published in a publication of general circulation of said City, and that the City Clerk be requested to give at least ten (10) day's notice of a public hearing and that the legislative body of each taxing unit levying ad valorem taxes on this property as well as the owners of real property located within the established District be also notified of this application and the scheduled public hearing.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Allen absent and unexcused)

RESOLUTION #462
BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

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WHEREAS, Schafer Bakeries, a division of Perfection Bakeries, Inc. ("Schafer Bakeries") operated a manufacturing operation for a number of years from its facility located at 2701 S. Logan Street, Lansing, Michigan; and

WHEREAS, Schafer Bakeries moved their manufacturing operations from the Lansing facility to Kalamazoo, Michigan over ten years ago and further finds the facility too large to continue operating its office and truck garage maintenance operations from; and

WHEREAS, Schafer Bakeries has purchased property and plans to construct two buildings at 5085 W. Grand River Avenue in Watertown Charter Township to operate an office, distribution and service garage; and

WHEREAS, Shafer Bakeries has made application to Watertown Charter Township for an Industrial Facilities Exemption Certificate for the construction and equipping of their new facility (the "Project"); and

WHEREAS, the Project will result in the transfer of approximately 55 employees from the City of Lansing to Watertown Charter Township; and

WHEREAS, in the event of a transfer of employment, Public Act 198 of 1974, as amended, requires the municipality which loses jobs to consent, by resolution, to the transfer of employment.

NOW, THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF LANSING, AS FOLLOWS:

1. That in an effort to be cooperative with other governmental units in the area of economic development and to also encourage reciprocal considerations for the transfer of employees from other local units to the city of Lansing, and in accordance with the provisions of Public Act 198 of 1974, as amended, the City Council of the City of Lansing hereby consents to any transfer of employment which may occur as the result of Schafer Bakeries's moving the location of its business to Watertown Charter Township, Clinton County, Michigan.

2. The City Clerk is hereby requested to send two certified copies of this Resolution to the Clerk of Watertown Township, 12803 S. Wacousta Road, Grand Ledge, Michigan 48837.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Allen absent and unexcused)

RESOLUTION #463
BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Enprotech Mechanical Services, Inc. ("Enprotech"), formally Industrial Welding, Inc. has operated a manufacturing operation since 1941 from its facility located at 2200 Olds Avenue, Lansing, Michigan; and

WHEREAS, Enprotech is expanding its operations and finds an expansion at their current facility not feasible; and

WHEREAS, Enprotech has purchased property and plans to construct and operate a 26,000 square foot manufacturing facility at 16740 Industrial Parkway in Watertown Charter Township; and

WHEREAS, Enprotech has made application to Watertown Charter Township for an Industrial Facilities Exemption Certificate for the construction and equipping of their new facility (the "Project"); and

WHEREAS, the Project will result in the transfer of approximately 5 existing employees from the City of Lansing to Watertown Charter Township; and

WHEREAS, Enprotech is confident that they will be able to hire an additional 5 employees for its Olds Avenue plant to replace those being transferred; and

WHEREAS, in the event of a transfer of employment, Public Act 198 of 1974, as amended, requires the municipality which loses jobs to consent, by resolution, to the transfer of employment.

NOW, THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF LANSING, AS FOLLOWS:

1. That in an effort to be cooperative with other governmental units in the area of economic development and to also encourage reciprocal considerations for the transfer of employees from other local units to the City of Lansing, and in accordance with the provisions of Public Act 198 of 1974, as amended, the City Council of the City of Lansing hereby consents to the transfer of 5 employees which may occur as the result of Enprotech Mechanical Services, Inc.

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expanding their business to Watertown Charter Township, Clinton County, Michigan.

2. The City Clerk is hereby requested to send two certified copies of this Resolution to the Clerk of Watertown Township, 12803 S. Wacousta Road, Grand Ledge, Michigan 48837.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Allen absent and unexcused for this vote)

RESOLUTION #464
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles;

NOW, THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves the distribution of bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communications dated September 24, 1996, to Fabulous Acres Neighborhood organization;

AND BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies by October 25, 1996, may be disposed of by the Quartermaster in a manner consistent with State Law and the City of Lansing Purchasing Ordinance.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Allen absent and unexcused for this vote)

RESOLUTION #465
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing supported and encouraged the passage of Act No. 376 of the Public Acts of 1996, which authorizes the creation of Renaissance Zones, as a creative means of addressing economic development needs within core cities and within the State as a whole; and .

WHEREAS, the City of Lansing is a qualified local government as defined under Section 3(f) of the Act; and

WHEREAS, Lansing has identified two distinct geographic areas which are wholly within its legal boundaries and which meet the definition requirements necessary for designation as a Renaissance Zone under the provisions of the Act and the application requirements of the Michigan Jobs Commission and

WHEREAS, one of these geographic areas is the "Seven Block" area, which is located along the Capitol Loop immediately southwest of the State Capital complex near the State Library, and would serve as a highly visible demonstration project for the goals of the Renaissance Zone concept; and

WHEREAS, this area was designated as a distressed area with adoption of the Seven Block Development Plan in August 1993, and has been the subject of extensive effort by successive City administrations to focus Federal, State, and local resources on its improvement; and

WHEREAS, aspects of the Seven Block Plan include health, human services, public safety/housing, retail shopping and economic development, designed to create a viable urban neighborhood, and benefit the Seven Block area and Lansing's economic improvement as a whole; and

WHEREAS, the second geographic area includes a former industrial site which was partially occupied by the Lindell Drop Forge, and is located along a vacant New York Central Railroad right-of-way in the heart of Lansing's south side, and

WHEREAS, industrial development and physical improvements to this area are critical to the protection of the adjacent neighborhood and the stabilization of the commercial area along S. Martin Luther King, Jr. Blvd., which is a major entrance to the city and connects with the Capitol Loop; and

WHEREAS, this site has been the subject of

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cooperation between the City of Lansing, the State OF MICHIGAN, and the Federal Government for environmental site assessment under Public Act 302; and

WHEREAS, the redevelopment of this geographic area has been severely limited by the unique shape of the parcels caused by the now-vacated New York Central Railroad right-of-way, and the lingering environmental notations due to its former use by heavy industry; and

WHEREAS, this area represents significant acreage near the center of Lansing'. and its redevelopment, including the remediation of its environmental notations, would add significantly to Lansing's economic recovery and job opportunities, abate a current health and safety concern, and provide for the establishment and maintenance of residential housing in the area, and

WHEREAS, the redevelopment of this site will be in conformance with the recommendations of the City's Southwest Area Comprehensive Plan; and

WHEREAS, the redevelopment of both geographic areas within the Renaissance Zone will be consistent with local zoning requirements; and

WHEREAS, the 1996 Michigan Renaissance Zone application requires that the City provide a supporting resolution stating that if a renaissance zone designation is granted, persons and property within the zone are exempt from taxes levied by the City as provided by the legislation; and

WHEREAS, the application further requires that the resolution provide an estimate of the revenue loss for the first full year of operation, indicating estimated loss for each taxing authority within the applicants jurisdiction- and

WHEREAS, the Renaissance Zone designation of the two areas will provide incentives and serve as a catalyst for the economic revival of both areas;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Lansing supports making application to the Michigan Jobs Commission for designation of the above referenced geographic areas as a "Renaissance Zone" under Act 376 of the Public Acts of 1996, and hereby authorizes the Mayor to do so.

BE IT FURTHER RESOLVED that, if Renaissance Zone designation is approved; all persons and property within the above-referenced geographic areas are exempt, pending payment of prior obligations, if any, from income and property taxes levied by the City of Lansing, in accordance with P.A. 3 76 and its companion legislation, as listed in Section 9 of the Act; and

BE IT FURTHER RESOLVED, that qualified residents and businesses within the Renaissance Zone will be exempt from the aforementioned taxes according to the following schedule:

Years 1-8: 100% tax exemption
Year 9: 75% tax exemption
Year 10: 50% tax exemption
Year 11: 25% tax exemption
Year 12: 0% tax exemption

BE IT FINALLY RESOLVED that estimated revenue losses from the first full year of operation of the proposed Renaissance Zone, if 100% of the properties incorporated in the plan qualify, are estimated as follows for taxing authorities within the City of Lansing:

City of Lansing (Property & Income Taxes)	$32,861.93
State of Michigan	$11,281.94
Ingham County	$16,734.60
Lansing Community College	$ 5,519.22
Ingham Intermediate Sch. District	$ 9,119.70
Lansing School District	$44,225.42

By Councilmember Lilly

Carried unanimously

RESOLUTION #466
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Whereas, the Mayor has recommended the following individuals be appointed to the Principal Shopping District:

Gina Torielli
Zone A . . . . . Term Expires June 30, 2000
Patricia Cook
Zone A . . . . . Term Expires June 30, 1999
Joseph Chin
Zone A . . . . . Term Expires June 30, 1998
Vence Bonham
Zone B . . . . . Term Expires June 30, 2000
Judith Corlett
Zone A . . . . . Term Expires June 30, 1998
Cheryl VanDekerkhove
Zone B . . . . . Term Expires June 30, 1999
Tim Barron
Adj.Resident . . . Term Expires June 30, 1997

Whereas, the Committee conducted interviews and

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FOUND THEM TO BE WELL QUALIFIED TO SERVE THE CITY IN THIS CAPACITY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE MAYOR'S ABOVE-RECOMMENDED APPOINTMENTS TO THE PRINCIPAL SHOPPING DISTRICT ARE HEREBY CONFIRMED.

BY COUNCILMEMBER LEEMAN

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION

AT THE REQUEST OF COUNCILMEMBER LILLY THE QUESTION WAS SEPARATED FOR THE PURPOSE OF VOTING INDIVIDUALLY ON THE APPOINTMENT OF PATRICIA COOK FROM THE ECONOMIC DEVELOPMENT CORPORATION

ON THE APPOINTMENT OF THE 6 APPOINTEES, EXCLUDING PATRICIA COOK, THE MOTION WAS;

CARRIED UNANIMOUSLY

ON THE APPOINTMENT OF PATRICIA COOK, THE MOTION WAS:

ADOPTED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BENAVIDES, JONES, LEEMAN, NOVAK

NAYS: COUNCILMEMBERS BEAL, LILLY

RESOLUTION #467
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, AN OPERATING AGREEMENT BETWEEN THE CITY AND THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY (LEPFA) FOR THE MANAGEMENT OF THE LANSING CENTER, THE OLDSMOBILE PARK, THE CITY MARKET AND THE RIVERFRONT AMPHITHEATER, HAS BEEN PRESENTED TO THIS COUNCIL FOR REVIEW AND APPROVAL; AND

WHEREAS, THIS COUNCIL HAS HAD THE OPPORTUNITY TO MEET WITH ADMINISTRATION AND THE GOVERNING BODY OF LEPFA CONCERNING THE TERMS AND CONDITIONS SET FORTH IN THE OPERATING AGREEMENT;

WHEREAS, THIS COUNCIL BELIEVES THAT IN ORDER TO EFFICIENTLY OPERATE THE ABOVE REFERENCED CITY FACILITIES, IT WOULD BE IN THE BEST INTEREST OF THE CITY TO EXECUTE THE OPERATING AGREEMENT;

NOW, THEREFORE, BE IT RESOLVED, THAT THE OPERATING AGREEMENT BETWEEN THE CITY OF LANSING AND LEPFA IS HEREBY APPROVED;

BE IT FURTHER RESOLVED THAT THE MAYOR AND THE CITY CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #468
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY COUNCIL APPROPRIATED FUNDS IN THE COMMUNITY PROMOTIONS ACCOUNT AND A COMMUNITY USE ACCOUNT FOR THE PURPOSE OF ASSISTING WITH THE EXPENSES OF COMMUNITY-ORIENTED EVENTS; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS REVIEWED SEVERAL REQUESTS FOR PAYMENT OF SUCH EXPENSES; AND

WHEREAS, THE COMMITTEE HAS RECOMMENDED THAT FUNDS BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING COUNCIL HEREBY AUTHORIZES THE FOLLOWING EXPENDITURES UNDER CURRENT POLICIES.

COMMUNITY PROMOTION: $1,400 OLD TOWN OKTOBERFEST

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #469
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING FY-97 TRANSFER BE APPROVED:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$3,000	CITY COUNCIL-CHANNEL 28 EQUIPMENT 101-112110-977000-0	CITY COUNCIL-CHANNEL 28 TEMP HELP 101-112110-707000-0

(TEMPORARY HELP DURING MEDICAL ABSENCE OF CHANNEL 28 STAFF PERSON THROUGH END OF DECEMBER 1996.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$7,050	GEN. ADMIN.EST. VACANCIES 101-173901-701001-0	
$5,450		City Council-overtime Salary 101-112101-708000-0
$1,600		CITY COUNCIL-WAGES TEMP HELP 101-112101-707000-0

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(Overtime to 16 hours per pay period for Senior Legislative Assistant and Senior Secretary through end of December 1996 due to Council staff absences; high school CO-OP student 20 hours per week (Tues-Fri) through end of first semester @ $5.00/hour.)

By Councilmember Beal

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-11-96, Part of 800 E. St. Joseph St., "E-1" Apartment Shop and "C" Residential Districts to "H" Light Industrial District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Development and Planning.

RESOLUTION #470
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, October 28, 1996 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-11-96, Part of 800 E. St. Joseph St., "E-1" Apartment Shop and "C" Residential Districts to "H" Light Industrial District

By Councilmember Lilly

Carried unanimously

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-12-96, 617 W. Ionia St., "DM-4" Residential to "D-2" Residential/Office District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Development and Planning.

RESOLUTION #471
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, October 28, 1996 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-12-96, 617 W. Ionia St., "DM-4" Residential to "D-2" Residential/Office District

By Councilmember Lilly

Carried unanimously

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-13-96, Northeast Corner of W. Saginaw and Westmoreland Streets, "B" Residential to "DM-4" Residential District

was introduced by Councilmember Lilly, read a first and second time by its title and referred to the Committee on Development and Planning.

RESOLUTION #472
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, November 4, 1996 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-13-96, Northeast Corner of W. Saginaw and Westmoreland Streets, "B" Residential to "DM-411 Residential District

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By Councilmember Lilly

Carried unanimously

CONSIDERATION OF LATE ITEMS

1. From Councilmember Novak; a letter from Hugh Clarke requesting reimbursement for the legal fees for the defense in the matter of the City of Lansing v Hopkins, Sailor, and Miller

REFERRED TO THE INGHAM COUNTY BOARD OF COMMISSIONERS, THE COMMITTEE ON WAYS AND MEANS AND MAYOR HOLLISTER

2. From Councilmember Benavides; an Ordinance Repealing Chapter 274, 275 and Amending Chapter 297, Human Resources Advisory Board, for Introduction and Setting of Public Hearing

REFERRED TO THE MAYOR AND TO THE COMMITTEE ON WAYS AND MEANS

3. From Councilmember Benavides; an Ordinance Adding a New Chapter, Chapter 299, Affirmative Action Program, for Introduction and Setting of Public Hearing

TABLED FOR ONE WEEK

4. From Councilmember Benavides; an Ordinance Amending Chapter 297, Affirmative Action Program, for Introduction and Setting of Public Hearing

TABLED FOR ONE WEEK

5. From Councilmember Benavides; a Gift for Council President Jones from the visiting delegation of residents from our Sister City, Otsu, Japan

RECEIVED AND PLACED ON FILE

6. From Councilmember Allen; a letter from Carol Wood regarding the Police Department Reorganization and the Morale in the Police Department

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7. From Councilmember Allen; a letter from Kathy Jacobs suggesting the addition of services to the City Market

REFERRED TO THE LANSING ENTERTAINMENT AND PUBLIC FACILITIES AUTHORITY

8. From Councilmember Allen; a memo from her to the Transportation Department regarding a parking problem on Fred St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9. From Councilmember Beal; a request for the Discharge of the Committee on Ways and Means Committee on the subject of a Transfer of Funds for Council Staff and Channel 28, and a request that the resolution contained in tonight's packet be replaced by a substitute resolution

THE COMMITTEE ON WAYS AND MEANS WAS DISCHARGED AND A SUBSTITUTE RESOLUTION WAS ACCEPTED

10. From Councilmember Allen; a letter from Reverend Lester Stone, Pastor of Friendship Baptist Church submitting a list of demands for reform in the Police Department

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SAFETY

TABLED ITEMS

INTRODUCTION OF ORDINANCE
ADD A NEW CHAPTER, CHAPTER 299
HUMAN RELATIONS AND COMMUNITY SERVICES
ADVISORY BOARD

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 299, for the purpose of Establishing and Continuing an Affirmative Action Program within the City of Lansing, was introduced by Councilmember Benavides and referred to the Committee on General Services.

RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, October 14, 1996 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 299 for the purpose of Establishing and Continuing an Affirmative Action Program within the City of Lansing.

Interested persons are invited to attend this public hearing

October 7, 1996

By Councilmember Benavides

To table the introduction of this Ordinance and the resolution Setting the Public Hearing for

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ONE WEEK

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCE
REPEAL CHAPTERS 274, 275 AND AMEND
CHAPTER 297

BY COUNCILMEMBER BENAVIDES:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY REPEALING CHAPTERS 274, 275 AND AMENDING CHAPTER 297, FOR THE PURPOSE OF CONSOLIDATION AND REORGANIZATION AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT, WAS INTRODUCED BY COUNCILMEMBER BENAVIDES AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES.

RESOLUTION SETTING PUBLIC HEARING

BY COUNCILMEMBER BENAVIDES:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, OCTOBER 14, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY REPEALING CHAPTERS 274, 275 AND AMENDING CHAPTER 297 FOR THE PURPOSE OF CONSOLIDATION AND REORGANIZATION AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

OCTOBER 7, 1996

BY COUNCILMEMBER BENAVIDES

TO TABLE THE INTRODUCTION OF THIS ORDINANCE AND THE RESOLUTION SETTING THE PUBLIC HEARING FOR ONE WEEK

CARRIED UNANIMOUSLY

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 297
AFFIRMATIVE ACTION PROGRAM

BY COUNCILMEMBER BENAVIDES:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 297 FOR THE PURPOSE OF CONSOLIDATING THE FUNCTIONS AND PURPOSES OF THE HUMAN RELATIONS AND HUMAN RESOURCES BOARDS AND ESTABLISHING A HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD WAS INTRODUCED BY COUNCILMEMBER BENAVIDES AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES.

RESOLUTION SETTING PUBLIC HEARING

BY COUNCILMEMBER BENAVIDES:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, OCTOBER 14, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10 FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 297 FOR THE PURPOSE OF CONSOLIDATING THE FUNCTIONS AND PURPOSES OF THE HUMAN RELATIONS AND HUMAN RESOURCES BOARDS AND ESTABLISHING A HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

OCTOBER 7, 1996

BY COUNCILMEMBER BENAVIDES

TO TABLE THE INTRODUCTION OF THIS ORDINANCE AND THE RESOLUTION SETTING THE PUBLIC HEARING FOR ONE WEEK

CARRIED UNANIMOUSLY

PUBLIC COMMENTS

DAVID REED OF P.O. BOX 6885 IN E. LANSING SPOKE REGARDING HIS CASE AGAINST THE CITY OF LANSING, WHICH IS IN JUDGE HOUK'S COURT.

MARK SULLIVAN OF 424 EVERETT DR. THANKED THE ADMINISTRATION FOR THE SUPPORT FROM MAYOR HOLLISTER'S OFFICE, AS WELL AS OTHER CITY PERSONNEL ON THE PLANNING OF THE "STAND FOR CHILDREN." THE CITY WAS VERY HELPFUL AND A KEY INGREDIENT IN THE SUCCESS OF THIS EVENT.

CHRIS COTTER OF 2111 HARDING AVE. THANKED THOSE PEOPLE WHO HAVE ALLOWED HIM TO PUT CAMPAIGN SIGNS IN THEIR FRONT YARDS.

HUGH CLARKE OF 109 W. MICHIGAN AVE. DEMANDED THAT MAYOR HOLLISTER MAKE A PUBLIC STATEMENT OF APOLOGY TO HIS CLIENT, FACE TO FACE. WHEN THIS CASE WAS DISMISSED BY JUDGE CHERRY LAST WEEK THEY ANNOUNCED THAT THEY WOULD ACCEPT NOTHING LESS THAN A PUBLIC STATEMENT OF APOLOGY FOR THE TELEVISED DEFAMATORY STATEMENT BY MAYOR HOLLISTER THAT SAM HOPKINS' ACTIONS WERE CRIMINAL. HE WAS ACTING IN HIS OFFICIAL CAPACITY AS MAYOR WHEN THE STATEMENT WAS MADE AND CAN BE SUED FOR DEFAMATION OF CHARACTER. JUDGE CHERRY RULED THAT THERE WAS NO EVIDENCE OF CRIMINAL INTENT IN THIS CASE. HE CRITICIZED THE LPD OFFICER WHO WAS QUOTED IN TODAY'S NEWSPAPER. IF

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the Chief of Police told his officers not to make statements, then they should not have made statements. The statement was completely inappropriate and an investigation needs to be made on Chief Boles.

Richard Fiser of 12100 S. Cork in Morrice, MI reported that he called Lenora Jadun about his stormwater enterprise fund appeal, but was not allowed to speak with her.

Lloyd Teets of 116 E. Elm St. urged Council to review the Board of Water & Light's proposal for an electric rate increase. They have 11 user classes and in their proposal, not all classes would get an increase. Residential customers would pay 3% more, but large primary users would get a rate reduction. The citizens of this city need a one class/one rate system.

Paul Scott of 412 W. Kilborn reported that there will be a Tri-County Planning Commission Meeting this Thursday morning. He is pleased that someone is finally getting the idea that the Board of Police Commissioners is not working. Why are these complaints being expressed here tonight not being written out and filed with them? When Pastor Stone was asked if the gay and lesbian community could join in the "March For Justice" he told them they could, as long as they did not identify themselves. He urged the pastors here tonight to encourage their congregations to enroll in the Police Academy, which is sadly lacking in minority members.

COUNCILMEMBERS COMMENTS

Councilmember Beal thanked Tennis Pro Todd Martin for the $50,000 donation to tennis scholarships for children in Lansing. She reminded her colleagues that they have a computer training session scheduled from 3:00 P.M. to 5:00 P.M. tomorrow. She confirmed the regularly scheduled meeting of the Ways and Means Committee on Wednesday and said that on Thursday, the Committee of the Whole will take up the issue of the Board of Water & Light sale of property. She explained the rationale for a one class/one user, per unit, sewer rate methodology.

Councilmember Leeman announced that the Board of Water & Light will hold a Public Hearing on November 12th in consideration of their electric rate increase. It will be held in their building and will begin at 5:30 P.M. He reported on the progress of the CSO construction on the East Side.

Councilmember Allen reported attending the Annual Heritage Program at Woldumar Nature Center last weekend and the Lip Sync event at LCC on Saturday night. These were both wonderful events.

Council President Jones invited everyone to participate in the tour of the Moores Park Neighborhood that will be held this weekend. Five homes, as well as the #5 Fire Station are on their schedule at a cost of $5.00 per person for the tour.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener announced the first meeting of the Memorial Review Board this Wednesday at 5:30 P.M. in the Mayor's Conference Room.

ADJOURNED 11:00 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS OCTOBER 14, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was led by Councilmember Lilly who offered a prayer in memory of Paul Scott. The Pledge of Allegiance was led by Council President Jones

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of September 30, 1996

By Councilmember Lilly

To corrected the printed Council Proceedings of September 30, 1996 so that the date header reads September 30, 1996, and to approve the minutes as corrected

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a Resolution of Tribute to the late Paul Scott, Citizen Advocate

Councilmembers made individual expressions of sympathy and condolences to the family of Mr. Scott.

2. From Councilmember Benavides; a Committee Report from the General Services Committee regarding the process for handling Stormwater Fee Appeals

3. From Councilmember Benavides; a request for Community Use Funding from the Otto Middle School Concert Band to help fund a Trip to Orlando, Florida to allow them to participate in a Walt Disney World and a Universal Studios appearance

4. From Councilmember Bauer; a letter from the Director of the Greater Lansing Amateur Hockey Association (GLAHA) regarding their proposal for a Dome at Washington Park Ice Skating Rink

5. From Councilmember Leeman; a Resolution establishing rates for Refuse Cart Fees

PUBLIC COMMENT

By Councilmember Lilly

That, due to the number of speakers signed up to address Council at this time, a time limit of 2 minutes be established for each speaker

Carried unanimously

Bernie Bierschbach of 3933 Moonlight Lane in Holt spoke in support of the proposal by GLAHA for construction of a Dome over the Washington Park Ice Skating Rink.

William Hubbell of 3916 Wedgewood Dr. spoke in opposition to the ordinances, listed under tabled items, amending the City of Lansing Human Resources/Human Relations Board and Affirmative Action Plan.

Andrew Goldstein of 3628 Fairhills Dr. in Okemos spoke in support of the proposal by GLAHA for a Hockey Dome at Washington Park.

John Walenberg of 5832 Bois Ile in Haslett spoke in support of the GLAHA proposal for a Hockey Dome at Washington Park.

Dirk Spillemaker of 1224 maplehill ave. In E. lansing spoke regarding his concerns over the working conditions at the Lansing Center, likening them to the working conditions in the sweatshops of old. They are having fundamental problems at this facility that need to be addressed.

Andrew Brodie of 1114 Glenn St., Pastor of St. Luke Baptist Church stated his support for the principles embraced by the March for Justice. He demanded justice for the men responsible for the homicides of Bell and Swan.

Hugh Clarke of 109 W. Michigan #1025 demanded an apology from Mayor Hollister on behalf of former Fire Chief Sam Hopkins and Firemen Miller and Sailor. In recognition of the fact that the Mayor is not present at tonight's meeting, he promised to return as many times as

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necessary to get a public apology from the Mayor.

Tim Knowlton of 222 N. Washington Sq. #400, Attorney for David Miller, said that he is here seeking reimbursement of Mr. Miller's legal fees for his defense in the case of The People vs David Miller. None of the three firemen named in these suits were even taken to trial, because there was not enough probable cause to do so. There is a precedent for the reimbursement of the expenses these men incurred in the course of their defense. They should all be reimbursed for their attorneys fees.

Bernie Finn, no address given, a share holder of the Sinas Dramis Law Firm, spoke on behalf of Kenneth Sailor and his request for reimbursement of legal defense fees in the case of The People vs Kenneth Sailor. Mr. Finn stated that his client's attorney fees should be paid by the City, because the charges against the three firemen were bogus, groundless and unsubstantiated. It is unconscionable what was done to these three men and the fees they incurred to clear them names. There is no reason his client should have been put to this expense.

James Miller, no address given, said that the City needs to focus more attention on the problems at the Lansing Center. The focus of attention is always the Ballpark, even though the Lansing Center holds more events on a daily basis. They need more employees and insurance for the employees who have been there for five years. They are tired of waiting in line after the baseball field. It is time to do something about their problems.

Lee Taylor, no address given, spoke in support of the principles involved in the March for Justice. She accused Lansing Police Officers of making hostile remarks to residents because they stood up for their rights during the March. The March, she said, was just a beginning to make sure that the negative actions of the Police Department do not impact on anyone.

Sharon Watson of 3937 Gilford Circle recalled an incident of harassment by the Police Department when they brutalized her brother during an arrest 5 years ago.

Larry Broughton of 5001 Southwidk said that last Thursday they met with Donald Martin, who told them that the investigation into the death of Edward Swans was done by the Lansing Police Department. The Police Commission, he said, is under the administration of the Mayor's Office.

Councilmember Allen said that, as the chair of the Public Safety Committee, she attends the meetings between Mayor Hollister and the March for Justice participants and will report back to Council on the proceedings.

Darnell Oldham Sr., of 3815 Berwick Dr. protested "the murder of Edward Swans by the Lansing Police Department." Brutality on the part of six police officers caused the death of Mr. Swan. This is murder at the hands of the Lansing Police. Yet they did not receive any disciplinary action as a result of the murder, nor are they being charged criminally.

Peter Sullivan of 2100 Moores River Drive, General Manager of the Lansing Entertainment and Public Facilities Authority, spoke regarding the concerns expressed by previous speakers about the Lansing Center. He agrees with some of the statements, but, not with the union statements. He has been meeting with these groups and they have resolved many of the issues. There is another bargaining session scheduled with the union for next Friday. These are issues that they are trying to resolve.

Lloyd Teets of 116 E. Elm St. stated his sympathy and condolences to the family of Paul Scott. He declaimed that there is a "hole in the soul of Lansing caused by the passing of Paul Scott."

Mark Eggleston of 4001 Heathgate offered his condolences to the family of Paul Scott.

Clyde Smith of 2244 Tecumseh River Dr. explained that the City needs remote audio units and camcorders on Police cars. This updated technology would solve the type of issues that are being reported here tonight.

Alberta Jordan of 1649 Greencrest Ave. in E. Lansing protested the prosecution of her son and the corrupt handling of the situation by the Judges and Prosecutors, even the Court Clerks.

Ammahad Shekarakki of 902 W. Willow said that the momentum of the march for Justice movement will not die out, like many thought it would. The 15th of October is the anniversary of the Million Man March on Washington, D.C. There will be a celebration on the MSU Campus.

Robert Ovalle of 110 E. Pointe in E. Lansing sent his condolences to the Swan, Bell, and Scott families. He stated that he was a victim of a hate crime two months ago.

Helen Fiser of 12100 S. Cork in Morrice thanked the General Services Committee for their meeting last week. It was a very professionally run and the committee members were patient and courteous with people.

Cheryl Ronk of 420 Northlawn in E. Lansing, a figure skating instructor, stated her support

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for the GLAHA proposal for a dome at the Washington Park Ice Skating Rink.

Dick Weber of 4923 Lincott Dr. sent his condolences to the family of Paul Scott. He asked why the Mayor is never present during public comments.

Reverend Bobby L. Bean, Pastor of The True Life Baptist Church said that it is not fair that some people are given extra speaking time, while others are not.

Angela Matthews of 723 W. Shiawassee said that the corruption in the Lansing Police Department should not be reduced to a racial issue.

Del Maynard, no address given, said that it is necessary to keep a close watch on the Police Department. He is not a member of a minority race, but he has been brutalized by police officers.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Rev. Lester D. Stone, Pastor of the Friendship Baptist Church regarding the March for Justice

REFERRED TO THE COUNCIL PRESIDENT

B. Letter from Dirk Spillemakers of the On-Call Stagehands regarding working conditions at the Lansing Center

REFERRED TO THE CITY ATTORNEY

C. Letter from James t. Mills of the Facility and Maintenance Workers regarding working conditions at the Lansing Center

REFERRED TO THE CITY ATTORNEY

D. Letter from PeeWee Team B, Coached by Paul Wilmet in support of the proposal for construction of a Dome at Washington Park

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE OF THE WHOLE

E. Letter from PeeWee Team 3, Coached by Joe Quick in support of the proposal for construction of a Dome at Washington Park

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE OF THE WHOLE

F. Letter from Rev. Paul C. Frederick, Pastor of the Mt. Hope United Methodist Church regarding the Civil Rights Ordinances

REFERRED TO THE COMMITTEE OF THE WHOLE

G. Letter from Ed Carpenter of Liskey's opposing any change in sewer rate methodology

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

H. Letter from Alexander Bolt of 1230 Reo Rd. requesting observance of the Open Meetings Act, the Constitution of the United States and the Constitution of the State of Michigan with regard to filming, taping, and broadcasting of City sponsored events

REFERRED TO THE MAYOR

I. Letter from the State of Michigan Department of Environmental Quality regarding application by the City of Lansing Wastewater Treatment Plant to land apply wastewater treatment sludges

REFERRED TO THE MAYOR

J. Letter from Geraldine Huxford, no address given, regarding odor emissions from the General Motors Fisher Body Plant

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

K. Letter from Bernie Meissner, Chair of MOST, regarding informational programming on the Civil Rights Ordinances to be aired on Cable Channels 6 & 17 in October

RECEIVED AND PLACED ON FILE

L. Letter from Lloyd Teets of 116 E. Elm submitting a 1993 City Attorney Opinion on Sewer Rates

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

M. Letter from Attorneys on behalf of Kenneth Sailor submitting a claim for the payment of Mr. Sailor's legal expenses in the matter of the City of Lansing v Hopkins, Miller, and Sailor

REFERRED TO THE CITY ATTORNEY

N. Stormwater Enterprise Fund fee appeals submitted by: Tricia Hurse 3220 Andrew Ave., Kenneth Riebow 2018 Pleasant View Ave., Mill Pond Co. LLC 1500 MillPond Lane, Cedarway Free Methodist Church 4515 S. Cedar, Reachout Christian Center Church 5628 Wise Rd., Richard Stuckman 2310 Hanover Dr., RGP Technologies 6931 S. Washington, Jay G. & Mary T. Corey, Pennway Church of God 1101 E. Cavanaugh Rd., Ann Simon 911 S. Dexter Dr.,

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Walter Rhodes 1427 McIntyre Ct., Gregory DeMyers 1813 Reo Rd., Marie Brace 2421 W. Holmes Rd., David R. Lohr 6014 Chesapeake Dr., Shirley Smith 108 E. Northrup, Robert Earls 1813 E. Willard Ave., Ann Scott 558 Hunter Blvd., James D. Blair 410 S. Cedar St., Kris Reader 221 N. Fairview Ave., Carlotta Devereaux 2029 Mary Ave., Ken Smith 5824 S. Cedar St., Donald Hein 947 Hein Ave., William Sullivan 3626 Springbrook, Steve Crum 6229 Grovenburg Rd., George Parish 3307 W. Miller & 3329 W. Miller Rd., Miller Associates 0000 S. Waverly Rd., Gertrude Mitchell 3024 Fauna, Roger Till 2418 Artisan, Gary G. Casteel 4424 Barclay, Dawn Foster 4033 Woodcreek Ln., Thomas D. Bogren 6916 Kingdon, George Grabowski 1434 E. Jolly Rd., Robert H. Nelson 1733 W. Holmes Rd., Barbara L. Strong 3600 Glasgow Dr., Alexander Bolt 1216 W. Mt. Hope & 1230 Reo Rd., Mary Regan Harding 630 W. Rouse St., Scott Wesley 747 Sadie Ct., Lois Gray 4717 Pleasant Grove & 0000 Sidney St.

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

O. Letter from the State of Michigan Department of Transportation regarding a request for the Installation of Left Turn Phasing a the Intersection of S. Cedar St. and Holmes Rd.

RECEIVED AND PLACED ON FILE

P. Letter from Attorneys on behalf of David Miller submitting a claim for payment of legal fees in the matter of City of Lansing v Hopkins, Sailor, Miller

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mr. Wiener informed Council and the Audience that Mayor Hollister is on his way back from visiting his son and daughter in Boston. He sent his condolences to the Paul Scott family.

Regarding the March for Justice and the meetings that the Mayor has been having with this group, they have been reviewing items that the March organizers have brought up. This will be a long process. The issues are complex and are manifested by societal problems that are not easy to understand or correct. They will continue to work with the parties on these issues. Some of the problems that are being brought to them are problems that they cannot solve. They would be better taken up with the appropriate law enforcement agencies. They Mayor, and his administration, has a lot of respect for the Fire Department, and for the three gentlemen who have requested reimbursement of their legal fees.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS: Transfer Class C; JJF, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from the City Attorney re: Loretta Phillips v City of Lansing

RECEIVED AND PLACED ON FILE

D. Letter from Internal Auditor Greg Koessel submitting his analysis of the LEPFA Financial Statements

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

E. Letters from the Mayor re:

1/ SCT Payroll/Personnel Module Development Progress Report

RECEIVED AND PLACED ON FILE

2/ Addition of the Rowell Everett House to the State Register of Historic Sites

RECEIVED AND PLACED ON FILE

3/ MIOSHA Inspection of the Wastewater Treatment Plant

RECEIVED AND PLACED ON FILE

4/ Traffic Board Recommendation on Parking Regulation Request for Massachusetts Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5/ Traffic Board Recommendation on Parking Regulation Request for Maryland Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

6/ Traffic Board Recommendation on Parking Regulation Request for Sunset Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

7/ Traffic Board Recommendation on Parking

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Regulation Request for LeGrand Dr. & Walton Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8/ Traffic Board Recommendation on Parking Regulation Request for S. Genesee Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9/ Traffic Board Recommendation on Traffic Control Request for S. Dexter Dr. & Plymouth Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

10/ Traffic Board Recommendation on Traffic Control Request for Attwood Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

11/ Traffic Board Recommendation on Traffic Control Request for Larch St. at Douglas Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

12/ Traffic Board Recommendation on Traffic Control Request for Shiawassee St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

13/ Financial Impact Analysis on General Motors Corporation Application for Industrial Facilities Tax Abatement

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING AND THE COMMITTEE ON WAYS AND MEANS

14/ Amendment to Add a Chapter to the Code of Ordinances, Chapter 1612 Hazardous Materials Cost Recovery

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE COMMITTEE ON WAYS AND MEANS

15/ Policy for use of Community Center Buildings

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

16/ Sewer Rate Increase FY97 Budget Year

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

CONSENT MATTERS

RESOLUTION #460A
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred a letter from Tom Shiels forwarding a petition signed by 23 residents requesting complete resurfacing of the 1100 and 1200 blocks of Riley Street,

REPORTS AS FOLLOWS: The Committee reviewed the request with the Assistant City Engineer, who reported that these blocks of Riley Street have been scheduled for rehabilitation during the 1997 construction season. The Committee requested that the Public Service Department respond by letter to Mr. Shiels, explaining how the road will be improved next year. This report of for information only, and no Council action is required.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #461A
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has re-appointed Mary James, 303 North Jenison, to the Fourth Ward position on the Park Board, for a term to expire June 30, 2000; and

WHEREAS, the Committee on Public Services determined that an interview with the appointee was not necessary, and the Committee recommends that the re-appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the re-appointment of Mary James to the Fourth Ward seat on the Park Board, for a term to expire June 30, 2000.

By Councilmember Allen

Carried unanimously

RESOLUTIONS

RESOLUTION #462A
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Board of Commissioners of the Board of Water and Light has declared a parcel of BWL-owned property, commonly referred to

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as the BWL office building, 123 West Ottawa, and its associated surface parking lot, 221 North Capitol, to be surplus not required for BWL operations, and proposes to sell the property to Commercial Acquisitions, L.L.C., for $5,200,000.00 under the terms of a Contract for Purchase of Real Estate executed September 26, 1996; and

WHEREAS, the Board has filed the contract with the City Clerk as required, and a public hearing is necessary before Council action on the proposed sale;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby requests the City Clerk to schedule and announce a public hearing to be held at 7:00 PM on Monday, November 4, 1996, in the 10th floor Chambers of City Hall, for the purpose of receiving public comment on the proposed sale of BWL property described above.

By Councilmember Lilly

Carried unanimously

RESOLUTION #463A
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Board of Commissioners of the Board of Water and Light has declared a portion of a parcel of BWL-owned property, acquired as part of the Erickson Station Property, to be surplus not required for BWL operations, and proposes to sell the property to Cornerstone Realty Ventures, L.L.C., for $160,000.00 under the terms of a purchase agreement; and

WHEREAS, the Board has filed the purchase agreement with the City Clerk as required, and a public hearing is necessary before Council action on the proposed sale;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby requests the City Clerk to schedule and announce a public hearing to be held at 7:00 P.M. on Monday, November 4, 1996, in the 10th floor Chambers of City Hall, for the purpose of receiving public comment on the proposed sale of BWL property described above.

By Councilmember Lilly

Carried unanimously

RESOLUTION #464A
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously established a Lansing Industrial Development District (#5) on May 23, 1977 and also previously established a Lansing Industrial Development District (#8-80) on December 22, 1980 on property at 920 Townsend, Lansing, Michigan, more fully described on Exhibit A; and

WHEREAS, General Motors Corporation, Small Car Group, Lansing Car Assembly, has applied for an Industrial Facilities Exemption Certificate (IFT-1-96) for the installation of new manufacturing equipment to be located within said established district; and

WHEREAS, a public hearing was held on October 7, 1996 on General Motors corporation's application for an Industrial Facilities Exemption Certificate (IFT-1-96), and all parties had an opportunity to be heard; and

WHEREAS, General Motors Corporation has substantially met all the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

WHEREAS, this Council finds that the granting of the Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem taxes in the City of Lansing.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Lansing hereby approves the application from General Motors Corporation for an Industrial Facilities Exemption Certificate (IPR-1-96) to remain in effect for a period of fifteen (15) years, which includes an initial construction period of three (3) years and subject to the execution of a written agreement no later than October 28, 1996 between General Motors Corporation and the City of Lansing (as attached Exhibit B) as required by Public Act 198 as amended.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the city, is authorized to execute the aforestated Agreement, subject to prior approval thereof as to form by the City Attorney.

By Councilmember Lilly

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CARRIED UNANIMOUSLY

EXHIBIT "A"

LANSING CAR ASSEMBLY PLANT # 1

(DISTRICT # 5)
THIS DISTRICT IS DESCRIBED COMMENCING (41.25) FEET SOUTH AND (33) FEET EAST OF THE CENTER LINE INTERSECTION OF LOGAN ST. AND WILLIAM ST. RIGHT OF WAYS (R.O.W.) AT THE POINT OF BEGINNING. THIS POINT OF BEGINNING LIES ON THE SOUTH R.O.W. LINE OF WILLIAM ST. AND THE EAST R.O.W. LINE OF LOGAN ST. THENCE EASTERLY FROM POINT OF BEGINNING ALONG THE SOUTH R.O.W. LINE OF WILLIAM ST. (1290) FEET TO THE EAST R.O.W. LINE OF DIVISION ST. ; THENCE, SOUTHERLY ALONG THE EAST R.O.W. LINE OF DIVISION ST. AND CONTINUING ALONG THE EAST R.O.W. LINE EXTENDED (875) FEET TO A POINT ON THE BUILDING 37 NORTH BUILDING WALL EXTENDED; THENCE EASTERLY 144 FEET ALONG THE NORTH WALL OF BUILDING 37; THENCE SOUTHERLY INSIDE BUILDING 37 (190) FEET TO A POINT INSIDE BUILDING 37; THENCE WESTERLY IN BUILDING 37 (90) FEET TO THE BUILDING 37 WEST WALL; THENCE SOUTHERLY ALONG THE BUILDING 37 WEST WALL (180) FEET TO THE BUILDING 37A SOUTHEAST CORNER; THENCE WESTERLY ALONG THE BUILDING 37A SOUTH BUILDING LINE (60) FEET; THENCE SOUTHERLY ALONG THE BUILDINGS 41, 27D, 27A, AND 27C OUTSIDE WEST WALLS (530) FEET TO A POINT ON THE OLDSMOBILE-GRAND TRUNK WESTERN RAILROAD PROPERTY LINE; THENCE WESTERLY AND NORTHERLY ALONG THIS PROPERTY LINE (1810) FEET TO THE BUILDING 147A SOUTHWEST CORNER; THENCE NORTH (725) FEET TO THE OLDS AVENUE SOUTH R.O.W. LINE; THENCE EASTERLY ALONG THE OLDS AVENUE SOUTH R.O.W. LINE (303) FEET TO A POINT (75) FEET WEST OF THE LOGAN ST. CENTERLINE; THENCE NORTHERLY (420) FEET TO THE WILLIAM ST. SOUTH R.O.W. LINE. THENCE EASTERLY ALONG THE WILLIAM STREET SOUTH R.O.W. LINE (108) FEET TO THE POINT OF BEGINNING.

(DISTRICT #8-80)
THE DISTRICT IS DESCRIBED COMMENCING AT A POINT OF BEGINNING AT THE NORTHEAST OUTSIDE CORNER OF OLDSMOBILE'S BUILDING 62 ON OLDS AVENUE: THENCE SOUTHERLY 160 FEET; THENCE EASTERLY 140 FEET; THENCE SOUTHERLY 75 FEET; THENCE EASTERLY 50 FEET; THENCE SOUTHERLY 240 FEET TO A POINT ON THE SOUTH R.O.W. LINE OF ELM STREET; THENCE EASTERLY 460 FEET ALONG THE SOUTH R.O.W. LINE OF ELM STREET; THENCE SOUTHERLY 55 FEET; THENCE SOUTHWESTERLY 353.9 FEET; FOLLOWING THE WEST BANK OF THE GRAND RIVER; THENCE SOUTHERLY 491.8 FEET ALONG THE WEST BANK OF THE RIVER TO A POINT ON THE NORTH R.O.W. LINE OF THE GRAND TRUNK RAILROAD; THENCE WESTERLY 2270 FEET ALONG SAID RAILROAD R.O.W. ; THENCE NORTHERLY 530 FEET ALONG THE WEST OUTSIDE WALL OF BUILDINGS 27C, 27A, 27D, AND 41; THENCE EASTERLY 60 FEET ALONG THE SOUTH BUILDING LINE OF BUILDING 37A TO THE SOUTHEAST CORNER OF BUILDING 37A; THENCE NORTHERLY 370 FEET ALONG THE WEST WALL OF BUILDING 37 TO THE NORTHWEST CORNER OF BUILDING 37; THENCE WESTERLY 24 FEET; THENCE NORTHERLY 565 FEET ALONG THE EAST R.O.W. LINE OF DIVISION ST.; THENCE EASTERLY 630 FEET TO A POINT ON THE WEST R.O.W. LINE OF PINE STREET; THENCE SOUTHERLY 110 FEET ALONG THE WEST R.O.W. LINE OF PINE STREET TO A POINT ON THE SOUTH R.O.W. LINE (EXTENDED) OF OLDS AVENUE; THENCE EASTERLY 990 FEET ALONG THE SOUTH R.O.W. LINE OF OLDS AVENUE TO THE POINT OF BEGINNING.

Exhibit B

INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AGREEMENT

THIS AGREEMENT, made this _____ day of October, 1996, by and between the City of Lansing, acting by and through its Planning and Neighborhood Development Department ("the City") and General Motors Corporation ("the Company"):

WITNESSETH:

WHEREAS, the Company has submitted an Application ("Application") to the City for adoption of a Resolution giving the City's approval of a fifteen (15) year Industrial Facilities Exemption Certificate ("IFEC") that includes an initial three (3) year period of construction and equipping, pursuant to Michigan Public Act No. 198 of 1974, as amended, for personal property ("Facility") to be located at 920 Townsend, Lansing, Michigan 48921 (a copy of the Application is attached hereto as Exhibit "A"); and

WHEREAS, the Company intends to promote the long-term viability of the Lansing Car Assembly Plant through the introduction of a new flexible manufacturing process which will improve the Facility's ability to change its product mix in response to the marketplace; the implementation of this new process will require an immense capital investment by the Company; and

WHEREAS, as a part of its Application for an IFEC, the Company has submitted an EEO Policy Statement and a copy of their EEO-1 Statistics Report for AAP Year 1995 with the City Human Relations and Community Development Department (a copy of the Statement and Report is attached hereto as Exhibit "B"), wherein the Company has represented to the City that during the term of the IFEC, it shall provide equal opportunity in regard to hiring and the terms and conditions of employment; and

WHEREAS, pursuant to Section 22 of Michigan Public Act No. 334 of 1993, effective December 31, 1993, it is necessary that the City and the Company enter into a "written agreement" prior to approval and issuance of an Industrial Facilities Exemption Certificate by the Michigan State Tax Commission;

NOW THEREFORE, the Company hereby agrees as follows:

1. **General.**

   a. The Company shall make the improvements set forth in the Application within two (2) years of the approval date of the IFEC ("Approval date").

   b. The Company shall purchase and install the equipment and machinery as set forth in the Application, as part of the Facility, within two (2) years of the Approval date.

   c. The Company agrees to implement the equipment and employment related to the new project as well as maintain the overall building, equipment & employment at the level as represented in its application for an Industrial Facilities Exemption Certificate.

   d. The Company shall create 122 new jobs at the Facility within two (2) years of the Approval date.

   e. The Company shall retain at the Facility:

      I) Six Thousand Five Hundred Forty Nine (6,549) full-time employees from the Approval date until the completion of the Facility, or two (2) years from the Approval date, whichever first occurs: and

      II) Six Thousand Five Hundred Forty Nine (6,549) full-time employees at the Facility commencing two (2) years from the Approval date, or from completion or the Facility, whichever first occurs, and throughout the term of this Agreement.

For purposes of the Agreement, a "full-time employee" shall include a person 1) who is employed by the Company on a salary, wage, commission, or other basis, for a minimum period of forty (40) hours per week; and 2) from whose compensation the Company is required by law to withhold for City income taxes.

For purposes of Provision 1 d. and e. of this Agreement, the Facility refers to the Lansing Car Assembly Plants at 920 Townsend and 401 Verlinden, Lansing, Michigan.

2. **Annual Affirmative Action Report by the Company.**

On or before November 1, 1997, and each year thereafter, throughout the term of the IFEC, the Company shall submit to the Planning and Neighborhood Development Department of the City 1) a current Contract Compliance Report (Form EEO-1); and 2) a current Employer Information Report (Form EEO-2). If requested in writing by the Planning and Neighborhood Development Department of the City, the Company shall also submit to the City, within 90 days, an Affirmative Action Plan, which sets forth the future affirmative action goals of the Company at the Facility, and the means by which the Company intends to effectuate those goals. The provisions of the Affirmative Action Plan must meet the approval of the Director of the City's Human and Community Relations Department.

3. **Annual Status Report by the Company.**

On or before February 1, 1998 and on or before February 1 of each year thereafter, throughout the term of the IFEC, the Company shall submit to the Planning and Neighborhood Development Department of the City a certified status report ("Status Report") signed by the President of the Company or General Manager of the Company's Facility. The Status Report shall set forth the affirmative action accomplishments, the average number of full-time employees at the Facility during the calendar year preceding the date of the Status Report, and the Facility costs as of the December 31st preceding the date of the Status Report. For purposes of this Agreement, the average full-time employees shall be computed as the average of the number of full-time employees at the Facility on March 31, June 30, September 30, and December 31 of the calendar year preceding the date of the Status Report.

4. **Revocation Upon Failure to Provide Equal Employment Opportunity; Reimbursement of Amounts Abated.**

The Company agrees that notwithstanding any other provisions of this Agreement, after the effective date of this Agreement, the industrial facilities exemption certificate is subject to revocation, if Applicant engages in conduct that establishes acts and practices of discrimination with regard to hiring or the terms and conditions of employment. The parties agree that upon findings by either the City's Human Relations Board, the Michigan Civil Rights Commission, the Equal Employment Opportunity Commission, or the State or Federal Courts, that Applicant is engaging in discriminatory acts and practices with regard to hiring or the terms and conditions of employment, the Lansing City Council may adopt a resolution requesting the State Tax Commission to revoke the industrial facilities exemption certificate. The Company also agrees that in the event of such findings, the Lansing City Council may additionally authorize an action to recover the amount of any tax relief granted Applicant by virtue of the abatement granted for each year in which the Company has been or is found to have been engaged in such discriminatory acts and practices.

5. **Review and Audit of Company Employment Information.**

The Company agrees to provide the City with sufficient information, and the City may review and audit the information provided by the Company, in order to determine compliance with this Agreement. If the Company fails to provide employment information satisfying the needs of the City, the Company will provide the City and Michigan Employment Security Commission (MESC) written authorization, in a form acceptable to the City and MESC, to use and develop appropriate MESC documents, such as, but not limited to the MESC Multiple Worksite Report, to verify the number of full-time employees stated in the annual Status Report. In the event that the Company fails to provide the City with any information required to be provided to the City under this Section and the Company's noncompliance is held to be unreasonable by a court of competent jurisdiction, the Company agrees to reimburse the City for all reasonable costs, including reasonable attorney's fees, incurred by the City to verify the information which was unreasonably withheld.

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6. **Payment of Abated Taxes for Shortfall of Employment or Facility Cost Shortfalls.**

If the average number of new and retained full-time employees at the Facility during the calendar year preceding the date of the Status Report is less than the number of new and retained employees set forth in Provision 1 above, the Company agrees to pay to the City, in addition to Industrial Facility tax due under the IFEC on the Facility, an amount equal to the difference between the amount of ad valorem tax otherwise due on the Facility without the IFEC, and the amount of Industrial Facility tax due on the Facility under the IFEC, for the calendar year preceding the date of the Status Report, multiplied by a fraction, the numerator of which is the shortfall in the number of new and retained full-time employees indicated in the Status Report, and the denominator of which is the total number of new and retained full-time employees set forth in Provision 1 above. The City may, in its sole discretion, request that the Michigan State Tax Commission reduce the remaining term of the IFEC or revoke the IFEC if the Facility cost is less than 85% to which the Company committed itself in the Application. Prior to taking any action to require the Company to pay any amount to the City or requesting a reduction of the term of the IFEC or revocation of the IFEC, pursuant to this Section, the City must afford the Company an opportunity to present at a public hearing reasons for any shortfall by the Company in its compliance with this Agreement. The remedies provided for in this Section are in addition to those provided for in other Sections of this Agreement, and those provided for under Michigan Public Act No. 198 or 1974, as amended.

7. **Property Tax Liabilities.**

The Company's taxable status shall be determined as of each December 31st. Should the Company own personal property on that day they shall still be liable for the following July and December personal property tax, even if their business discontinues its operations in Lansing during the preceding tax year.

8. **Representations.**

Company represents that it intends to remain within the City of Lansing during the entire period of time for which the Industrial Facilities Exemption Certificate has been approved. Failure to remain within the limits of the City of Lansing or failure to comply with the provisions contained in Provision 1 shall be deemed to constitute a breach of this agreement and City may petition the State Tax Commission to revoke the Industrial Facilities Exemption Certificate. Company acknowledges that failure to remain within the City of Lansing during the entire period for which the Industrial Facilities Exemption Certificate was granted shall constitute grounds for immediate revocation of the Industrial Facilities Exemption Certificate and denial of City's consent to the granting of an Industrial Facilities Exemption Certificate in a governmental unit to which Company has relocated or employment has been transferred from the City. Company may present to the City Council those compelling circumstances which could allow the City Council, in its sole and unreviewable discretion, to approve such transfer.

9. **Limitation of Remedies.**

The City and the Company agree that the provisions of this Agreement are for the sole benefit of the City and the Company. It is understood and agreed that if the Company does not create or retain the level of employment set forth in Provision 1 above, the City shall have no right to require the Company by injunction to create or to maintain any specified level of employment for any period of time. The sole and exclusive remedies for noncompliance with the terms, covenants and representations contained in this Agreement are as set forth in this Agreement, and as provided for under Michigan Public Act No. 198 of 1974, as amended.

10. **Effective Date.**

This Agreement shall become effective upon issuance by the Michigan State Tax Commission of an IFEC covering the Facility, and shall be null and void and of no force or effect whatsoever unless the Michigan State Tax Commission issues an IFEC to the Company covering the Facility. This Agreement shall terminate thirty (30) days after the due date of the Status Report required by Provision 3 above pertaining to the final year the IFEC is in force, or thirty (30) days after the actual filing of said Status Report, whichever is later.

IN WITNESS WHEREOF, the City and the Company, by and through their authorized officers and representative, have executed this Agreement as of the date first above written.

WITNESSES: GENERAL MOTORS CORPORATION

1._____ By: _____

2._____ Its:

WITNESSES: CITY OF LANSING

_____ By:_____
David C. Hollister
Its: Mayor

_____ By:_____
Marilynn Slade
Its: City Clerk

Approved as to form:

_____
James D. Smiertka
City Attorney

I hereby certify that funds are available

Acct. No._____

_____
Robert W. Swanson, Finance Director

RESOLUTION #465A

RESOLUTION
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
RE: ACT-20-96 - WASHINGTON PARK ICE DOME.

WHEREAS, THE PARKS AND RECREATION DEPARTMENT HAS REQUESTED THAT THE CITY OF LANSING CONSTRUCT AN ICE DOME ENCLOSED ICE RINK NORTH OF THE EXISTING OUTDOOR RINK AND WARMING SHELTER IN WASHINGTON PARK- AND

WHEREAS, THIS PROJECT IS PROPOSED IN CONJUNCTION WITH THE GREATER LANSING AMATEUR HOCKEY ASSOCIATION (GLAHA), WITH GLAHA PROVIDING $450,000 IN FINANCING ASSISTANCE TO CONSTRUCT A DOME AND COVERED ICE RINK IN RETURN FOR A LIMITED SHARED USE ARRANGEMENT; AND

WHEREAS, ON OCTOBER 1, 1996, THE PLANNING BOARD CONDUCTED AN ACT 285 REVIEW OF THE LOCATION, CHARACTER AND EXTENT OF THE PROPOSAL, AND FOUND THAT THE PROPOSED ICE DOME WILL SERVE IN THE PUBLIC INTEREST, BASED ON THE FOLLOWING FACTORS:

- THE PROPOSED ICE DOME WOULD BE LOCATED WITHIN A PUBLIC PARK, WITH POTENTIAL YEAR-ROUND PUBLIC USE;
- THE FACILITY REQUIRES A PUBLIC/PRIVATE

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FINANCING PACKAGE TO COVER THE CAPITAL COST OF THE FACILITY;

- THE FACILITY WOULD INITIALLY BE OWNED BY THE GREATER LANSING HOCKEY ASSOCIATION, A NONPROFIT ORGANIZATION, AND WOULD REVERT TO THE CITY OF LANSING AFTER DEBT FINANCING IS RETIRED;

- THE PROPOSED FACILITY WOULD INCREASE THE ICE TIME FOR LANSING SKATERS, AND WOULD PROVIDE ADDITIONAL RECREATIONAL OPPORTUNITIES FOR LANSING RESIDENTS, THE FACILITY IS WELL-SERVED BY PUBLIC UTILITIES AND SERVICES;

- THE PROPOSED LOCATION IN SOUTH-CENTRAL WASHINGTON PARK PROVIDES ADEQUATE SCREENING AND BUFFERING TO MINIMIZE ANY ADVERSE IMPACTS ON THE SURROUNDING NEIGHBORHOOD; AND

WHEREAS, ON OCTOBER 1, 1996, THE PLANNING BOARD, BY A VOTE OF 6-0, RECOMMENDED THAT ACT-20-96, ICE DOME PROJECT BE APPROVED, AND FURTHER RECOMMENDED THAT MORE PRIME ICE TIME WITHIN THE DOME BE DEVOTED TO PUBLIC USE, AND THAT MAXIMUM EFFORTS BE UNDERTAKEN TO MINIMIZE THE REMOVAL OF TREES ON THE PROPOSED SITE- AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING HAS REVIEWED THE PLANNING BOARD'S

RECOMMENDATION AND CONCURS THEREWITH;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL CONCURS IN THE CONCEPTUAL PLAN OF THE PARKS AND RECREATION DEPARTMENT'S USE OF WASHINGTON PARK FOR THE PUBLIC/PRIVATE DEVELOPMENT OF A COVERED ICE RINK (ACT-20-96), SUBJECT TO THE CITY AND GLAHA REACHING A MUTUAL AGREEMENT CONCERNING THE CONSTRUCTION, USE, AND OPERATION OF SAID DOMED ICE RINK.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #466A
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL FOR
THE CITY OF LANSING
PUBLIC IMPROVEMENT V

WHEREAS, A PUBLIC HEARING WAS HELD ON THE PUBLIC IMPROVEMENT IV ON JUNE 5, 1995.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE SUPPLEMENTARY SPECIAL ASSESSMENT ROLLS M9501 AND M9502 FOR MAINTENANCE DISTRICTS AND ASSESSMENTS AS FOLLOWS:

DISTRICT M9501

BEGINNING AT THE INTERSECTION OF N. CAPITOL AND W. SHIAWASSEE, E. ON SHIAWASSEE (S. SIDE ONLY) TO N. GRAND AVENUE, S. ON GRAND AVENUE (W. SIDE ONLY) TO LENAWEE STREET, W. ON LENAWEE (N. SIDE ONLY) TO S. CAPITOL AVENUE, N. ON CAPITOL AVENUE (E. SIDE ONLY) TO POINT OF BEGINNING; ALSO WASHINGTON SQUARE FROM SHIAWASSEE (BOTH SIDES) S. TO LENAWEE STREET; ALSO THE FOLLOWING EAST AND WEST STREETS FROM CAPITOL AVENUE TO GRAND AVENUE (BOTH SIDES) IONIA, OTTAWA, MICHIGAN AVENUE, ALLEGAN, WASHTENAW AND KALAMAZOO.

PROPERTIES FRONTING ON THE MALL
ESTIMATED COST: $62,812.00
ACTUAL COST: $60,278.90
DIFFERENCE - . . . . . $2,533.10 LESS

PROPERTIES FRONTING ON THE SIDE STREETS
ESTIMATED COST: $71,143.16
ACTUAL COST: $67,489.46
DIFFERENCE - . . . . . $3,653.70 LESS

DISTRICT M9502

BEGINNING AT THE INTERSECTION OF N. GRAND AVENUE AND E. SHIAWASSEE, E. ON SHIAWASSEE (S. SIDE ONLY) TO N. CEDAR STREET (NOTE: THIS 1,012.38 FOOT SECTION OF SHIAWASSEE ST. BETWEEN N. GRAND AVENUE AND N. CEDAR STREET WAS EXCLUDED FOR 1995-96 DUE TO THE SHIAWASSEE STREET BRIDGE RECONSTRUCTION) , S. ON CEDAR STREET (W. SIDE ONLY) TO KALAMAZOO STREET, W. ON KALAMAZOO (N. SIDE ONLY) TO THE INTERSECTION OF S. GRAND AVENUE, N. ON GRAND AVENUE (E. SIDE ONLY) TO POINT OF BEGINNING; ALSO MICHIGAN AVENUE (BOTH SIDES) FROM GRAND AVENUE TO CEDAR STREET; ALSO MUSEUM DRIVE (W. SIDE ONLY) FROM MICHIGAN AVENUE SOUTH SIX HUNDRED EIGHTY (680) FEET; ALSO S. GRAND AVENUE (E. SIDE ONLY) FROM LENAWEE ST. TO KALAMAZOO ST.

ESTIMATED COST: $31,565.31
ACTUAL COST: $28,631.18
DIFFERENCE - . . . . . $2,934.13 LESS

AS RETURNED BY THE CITY ASSESSOR BE AND THE SAME IS HEREBY RATIFIED AND CONFIRMED AND THAT THE MAYOR BE AND HEREBY IS DIRECTED TO AFFIX WITHIN TEN DAYS, HIS WARRANT DIRECTING THE CITY TREASURER TO REFUND TO ALL PERSONS WHO HAVE PAID SAID TAX AS ORIGINALLY ASSESSED THE PRO RATA AMOUNT OF DIFFERENCE AS SHOWN IN SAID SUPPLEMENTARY ROLL ON OR BEFORE THE 31ST DAY OF OCTOBER, 1996.

BY COUNCILMEMBER LEEMAN

CARRIED UNANIMOUSLY

RESOLUTION #467A
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS APPOINTED KEN STOCKWELL, 4436 SATINWOOD, OKEMOS, TO THE PRINCIPAL SHOPPING DISTRICT BOARD, REPRESENTING

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Zone A, for a term to expire June 30, 1997; and

WHEREAS, the Committee on Public Services interviewed the appointee, learned that he owns several properties within Zone A of the District and recommends that the appointment be confirmed;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Ken Stockwell to the Principal Shopping District Board, representing Zone A, for a term to expire June 30, 1997.

By Councilmember Leeman

Carried unanimously

RESOLUTION #468A

City of Lansing
Counties of Ingham and Eaton, Michigan
RESOLUTION AUTHORIZING
ISSUANCE OF REFUNDING BONDS,
AUTHORIZING THE FINANCE DIRECTOR
TO SELL THE REFUNDING BONDS,
AND AUTHORIZING
CONTINUING DISCLOSURE UNDERTAKING

WHEREAS, the City has previously issued its Unlimited Tax General Obligation Bonds, Series 1988, in the original principal amount of $1,700,000, dated December 1, 1988, its Unlimited Tax General Obligation Bonds, Series 1990 in the original principal amount of $7,000,000, dated January 1, 1990, and its Unlimited Tax General Obligation Bonds, Series 1990-II, in the original principal amount of $6,300,000, dated December 1, 1990 (collectively, the "Prior Bonds"); and

WHEREAS, Chapter VI of Act 202, Public Acts of Michigan, 1943, as amended, the Municipal Finance Act ("Act 202"), permits the City to refund and advance refund all or part of the funded indebtedness of the City; and

WHEREAS, the City determines that it is in the best interest of the City to advance refund all or a portion of the Prior Bonds in order to accomplish a net savings of debt service costs; and

WHEREAS, prior to issuance of refunding bonds the City must secure prior approval to issue the refunding bonds from the Michigan Department of Treasury; and

WHEREAS, SEC Rule 15c2-12 promulgated by the United States Securities and Exchange Commission requires an underwriter purchasing municipal bonds to obtain an agreement to provide annual reports and notices of certain events ("Continuing Disclosure") from the Issuer and/or Obligated Persons of the bonds, and the City wishes to facilitate the sale of bonds by confirming that it will undertake Continuing Disclosure; and

WHEREAS, Chapter III, Section 12(d) of Act 202 permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete an authorized transaction; and

WHEREAS, in order to take advantage of the most favorable market for sale of the proposed refunding bonds, the City Council wishes to authorize the Finance Director or the Deputy Finance Director to sell the proposed refunding bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Bonds of the City designated 1996 Unlimited Tax General Obligation Refunding Bonds (the "Bonds") shall be issued in the aggregate principal amount of not to exceed Twelve Million Dollars ($12,000,000), as finally determined upon sale thereof, for the purpose of refunding all or a portion of the Prior Bonds, and paying the costs of issuance of the Bonds.

The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of principal of and interest and premium, if any, on the Bonds.

The Bonds shall consist of bonds registered as to principal and interest of the denomination of $5,000 or multiples of $5,000, be dated as of date of delivery or such other date as may be finally determined at the time of sale of the Bonds, numbered as determined by the hereinafter described Transfer Agent, and shall mature annually in such years and such months, serially or as term bonds, as shall be determined at the time of sale. The Bonds shall bear interest at a rate or rates to be determined upon sale, payable on dates determined at the time of sale.

Interest shall be paid by check drawn on the Transfer Agent mailed to the registered owner of the Bonds at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. Interest shall

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be payable to the person who is registered owner of record as of the Date of Determination. The Date of Determination of registered owner for purposes of payment of interest shall be the fifteenth day of the month prior to the payment date for each interest payment. The Date of Determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The principal of the Bonds shall be payable at a bank or trust company to be designated as registrar and transfer agent for the Bonds (the "Transfer Agent") by the Finance Director of the City.

The Bonds shall be subject to optional or mandatory redemption prior to maturity as determined at the time of sale of the Bonds. Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the redemption date; the redemption price or premium; the place where bonds called for redemption are to be surrendered for payment; and that interest on bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC"), and the Finance Director is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the form of the Bonds within the parameters of this Resolution as may be required to accomplish the foregoing.

The Bonds shall be signed by the manual or facsimile signatures of the Mayor and the City Clerk and shall have either the City's seal or a facsimile thereof affixed thereto or imprinted thereon. No Bond authorized under this Resolution shall be valid until authenticated by an authorized representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser in accordance with instructions from the Finance Director upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted. Executed blank bonds for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.

2. The City Treasurer shall open a special depositary account for the Bonds to be designated 1996 Refunding Bonds Debt Retirement Fund (the "Debt Retirement Fund"). The accrued interest and premium, if any, for the Bonds received upon delivery of the Bonds shall also be deposited in the Debt Retirement Fund.

Commencing with the year 1996 it shall be the duty of the City to levy a tax annually in an amount sufficient so that the estimated collections therefrom will be sufficient to pay promptly when due the principal of and interest becoming due on the Bonds prior to the time of the next year's tax levy, which tax levies shall not be subject to limitation as to rate or amount. If at the time of making any such annual tax levy there shall be surplus moneys on hand in a Debt Retirement Fund for the payment of the principal of, interest on and redemption premiums for the Bonds, then credit therefor may be taken against such annual levy for such fund.

All proceeds from taxes levied for the payment of the principal of, interest on and redemption premiums for the Bonds shall be deposited into the Debt Retirement Fund, and the moneys deposited in the Debt Retirement Fund shall be used solely for the purpose of paying the principal of, interest on and redemption premiums, if any, for the Bonds. In the event cash or direct obligations of the United States or obligations the principal of an interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest of the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

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3. The proceeds of the Bonds shall be used to pay the costs of issuance thereof and to secure payment of that portion of the Prior Bonds being refunded, as provided in this paragraph. Upon receipt of the proceeds of sale of the Bonds, the accrued interest and premium, if any, shall be deposited in the Debt Retirement Fund.

Proceeds of the Bonds in the amount designated by the Finance Director at the time of delivery of the Bonds, together with any moneys transferred by the City at the time of sale of the Bonds from the debt retirement funds for the Prior Bonds being refunded and any other available funds of the City, shall be invested in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing (the "Escrow Fund") and used to pay principal, interest and redemption premiums on the Prior Bonds being refunded.

The Escrow Fund shall be held by a trustee (the "Escrow Agent") in trust pursuant to an escrow agreement (the "Escrow Agreement") which shall irrevocably direct the Escrow Agent to take all necessary steps to call any Prior Bonds specified by the City for redemption, including publication and mailing of redemption notices, on any date specified by the City on which the Prior Bonds may be called for redemption. The Escrow Fund shall be funded to provide that the principal and interest payments received thereon will be sufficient, without reinvestment, to pay the principal, interest and redemption premiums on the Prior Bonds being refunded as they become due pursuant to maturity or the call for redemption required by this paragraph. A bank or trust company shall be designated by the Finance Director as a trustee or escrow agent to serve under the Escrow Agreement.

The City Treasurer shall open a special depositary account for the Bonds to be designated the 1996 Refunding Bonds Issuance Fund (the "Issuance Fund"). From the proceeds of the Bonds there shall be set aside in the Issuance Fund a sum sufficient to pay the costs of issuance of the Bonds. Moneys in the Issuance Fund shall be used solely to pay expenses of issuance of the Bonds. Any amounts remaining in the Issuance Fund after payment of issuance expenses shall be transferred to the Debt Retirement Fund for the Bonds.

4. The Bonds shall be substantially in the following form subject to any changes necessary or convenient to conform with the terms of the Bonds as sold or to facilitate delivery or transfer of the Bonds:

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON
CITY OF LANSING
1996 UNLIMITED TAX GENERAL
OBLIGATION REFUNDING BONDS

Interest Rate	Date of Maturity	Date of Original Issue	CUSIP
____%	January 1, ____		

Registered Owner:

Principal Amount:

City of Lansing, Counties of Ingham and Eaton, State of Michigan (the "City") acknowledges itself to owe and for value received hereby promises to pay to the registered owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above with interest thereon until paid, from the Date of Original Issue specified above or such later date to which interest has been paid, at the Interest Rate per annum specified above, payable on _____, 1997 and semiannually thereafter. Principal of this bond is payable at the principal corporate office of _____, _____, Michigan, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to an interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address. For the prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of $_____, issued under and in pursuance of the provisions of Act 202, Public Acts of Michigan, 1943, as amended, and resolutions duly adopted by the City Council of the City on _____, 1996 and _____, 1996, for the purpose of advance refunding bonds previously issued by the City.

This bond and the interest hereon are payable, as a first budget obligation, from the Debt

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Retirement Fund of the City for this issue, and the City is obligated to levy annually sufficient taxes without limitation as to rate or amount to provide for the payment of the principal of and interest on these bonds as they mature.

Bonds maturing in the years 199_ to ____, inclusive, shall not be subject to redemption prior to maturity.

Bonds or portions thereof in multiples of $5,000 maturing on or after January 1, ____, will be subject to redemption prior to maturity at the option of the City on any interest payment date occurring on or after January 1, ____, in such order as the City may determine and within any maturity by lot at the following respective redemption prices (expressed as a percentage of par), plus accrued interest to the date fixed for redemption:

Redemption Period	Redemption Price
January 1, ____ through December 31, ____	102%
January 1, ____ through December 31, ____	101
January 1, ____, and thereafter	100

Notice of redemption of any bond shall be given at least thirty (30) days prior to the date fixed for redemption by mail to the registered owner or owners at the registered addresses shown on the registration books kept by the Transfer Agent. Bonds shall be called for redemption in multiples of $5,000 and bonds of denominations of more than $5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by $5,000 and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bond surrendered shall be issued to the registered holder thereof. No further interest on the bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the same.

Any bond may be transferred by the person in whose name it is registered, in person or by his duly authorized attorney or legal representative, upon surrender of the bond to the Transfer Agent for cancellation, together with a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any bond is surrendered for transfer, the Transfer Agent shall authenticate and deliver a new bond or bonds, in like aggregate principal amount, interest rate and maturity. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. The Transfer Agent will not (i) issue, register the transfer of or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing, or (ii) register the transfer of or exchange any bond selected for redemption in whole or in part, except the unredeemed portion of bonds being redeemed in part.

It is hereby certified and recited that all acts, conditions and things required to be done, exist and happen, precedent to and in the issuance of said series of bonds of which this is one, in order to make them valid and binding obligations of the City have been done, exist and have happened in regular and due form and time as provided by law, and that the total indebtedness of said City, including the series of bonds of which this is one, does not exceed any charter, constitutional or statutory limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, City of Lansing, Counties of Ingham and Eaton, State of Michigan, by its City Council has caused this bond to be signed in the name of said City by the facsimile signature of the Mayor and to be countersigned by the facsimile signature of the City Clerk all as of the Date of Original Issue.

CITY OF LANSING
Counties of Ingham and Eaton,
State of Michigan

By _____ [Facsimile] _____
Mayor

Countersigned:

By _____ [Facsimile] _____
City Clerk

[FORM OF TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]

Certificate of Authentication

This bond is one of the bonds described in the within-mentioned resolution.

_____
Transfer Agent

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BY_____
AUTHORIZED SIGNATURE
DATE OF AUTHENTICATION _____

[INSERT STANDARD FORM OF ASSIGNMENT]

5. THE CITY SHALL NOT INVEST, REINVEST OR ACCUMULATE ANY MONEYS DEEMED TO BE PROCEEDS OF THE BONDS PURSUANT TO THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE") IN SUCH A MANNER AS TO CAUSE THE BONDS TO BE "ARBITRAGE BONDS" WITHIN THE MEANING OF THE CODE. THE CITY HEREBY COVENANTS THAT, TO THE EXTENT PERMITTED BY LAW, IT WILL TAKE ALL ACTIONS WITHIN ITS CONTROL AND THAT IT SHALL NOT FAIL TO TAKE ANY ACTION AS MAY BE NECESSARY TO MAINTAIN THE EXEMPTION OF INTEREST ON THE BONDS FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES, INCLUDING BUT NOT LIMITED TO, ACTIONS RELATING TO THE REBATE OF ARBITRAGE EARNINGS, IF APPLICABLE, AND THE EXPENDITURE AND INVESTMENT OF BOND PROCEEDS AND MONEYS DEEMED TO BE BOND PROCEEDS, ALL AS MORE FULLY SET FORTH IN THE NON-ARBITRAGE AND TAX COMPLIANCE CERTIFICATE TO BE DELIVERED BY THE CITY ON THE DATE OF DELIVERY OF THE BONDS. THE BONDS ARE NOT QUALIFIED TAX EXEMPT OBLIGATIONS FOR THE PURPOSE OF DEDUCTION OF INTEREST EXPENSE BY FINANCIAL INSTITUTIONS.

6. MILLER, CANFIELD, PADDOCK AND STONE, P.L.C. IS HEREBY RETAINED TO ACT AS BOND COUNSEL FOR THE BONDS NOTWITHSTANDING THE PERIODIC REPRESENTATION BY MILLER CANFIELD IN UNRELATED MATTERS OF OTHER POTENTIAL PARTIES TO THE ISSUANCE OF THE BONDS. BOND COUNSEL IS NOT RETAINED TO PROVIDE FINANCIAL CONSULTANT SERVICES. BOND COUNSEL WILL NOT REPRESENT ANY PARTY OTHER THAN THE CITY IN CONNECTION WITH THE ISSUANCE OR SALE OF THE BONDS.

7. STAUDER, BARCH & ASSOCIATES, INC. IS HEREBY SELECTED TO ACT AS FINANCIAL ADVISOR (THE "FINANCIAL ADVISOR") FOR THE BONDS.

8. THE OFFICERS OF THE CITY AUTHORIZED TO SELL THE BONDS ARE EITHER THE FINANCE DIRECTOR OR DEPUTY FINANCE DIRECTOR (THE "AUTHORIZED OFFICERS"). EITHER OF THE AUTHORIZED OFFICERS IS AUTHORIZED TO SELECT AN UNDERWRITER FOR THE BONDS, PROVIDED, HOWEVER, THAT BY ADOPTION OF THIS RESOLUTION THE CITY ASSUMES NO OBLIGATIONS OR LIABILITY TO THE UNDERWRITER FOR ANY LOSS OR DAMAGE THAT MAY RESULT TO THE UNDERWRITER FROM THE ADOPTION OF THIS RESOLUTION, AND ALL COSTS AND EXPENSES INCURRED BY THE UNDERWRITER IN PREPARING FOR SALE OF THE BONDS SHALL BE PAID FROM THE PROCEEDS OF THE BONDS, IF THE BONDS ARE ISSUED, EXCEPT AS MAY BE OTHERWISE PROVIDED IN THE BOND PURCHASE AGREEMENT TO BE SIGNED BY THE CITY AT THE TIME OF SALE OF THE BONDS.

EITHER OF THE AUTHORIZED OFFICERS IS AUTHORIZED TO SELECT A VERIFICATION AGENT TO SERVE THE CITY IN CONNECTION WITH THE REFUNDING OF THE PRIOR BONDS.

9. EITHER OF THE AUTHORIZED OFFICERS OF THE CITY IS AUTHORIZED TO APPLY TO MICHIGAN DEPARTMENT OF TREASURY FOR AN ORDER APPROVING ISSUANCE AND SALE OF THE BONDS, WAIVER OF THE 1% GOOD FAITH DEPOSIT AND ANY OTHER WAIVERS WHICH HE MAY DEEM TO BE APPROPRIATE.

10. EITHER OF THE AUTHORIZED OFFICERS IS AUTHORIZED TO APPROVE CIRCULATION OF A PRELIMINARY OFFICIAL STATEMENT DESCRIBING THE BONDS, TO DEEM SUCH PRELIMINARY OFFICIAL STATEMENT "FINAL" FOR PURPOSES OF COMPLIANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12, AND TO PREPARE A FINAL OFFICIAL STATEMENT AFTER SALE OF THE BONDS.

11. SALE OF THE BONDS BY THE AUTHORIZED OFFICERS. EITHER OF THE AUTHORIZED OFFICERS IS HEREBY AUTHORIZED ON BEHALF OF THE CITY, SUBJECT TO THE PROVISIONS AND LIMITATIONS OF THIS RESOLUTION, TO ACCEPT AN OFFER BY AN UNDERWRITER TO PURCHASE THE BONDS, INCLUDING BUT NOT BE LIMITED TO DETERMINATION OF ORIGINAL PRINCIPAL AMOUNT OF THE BONDS AND THE PRICES AT WHICH THEY ARE SOLD; THE DATE OF THE BONDS; THE SCHEDULE OF PRINCIPAL MATURITIES AND WHETHER THE BONDS SHALL MATURE SERIALLY OR AS TERM BONDS; THE PROVISIONS FOR EARLY REDEMPTION, IF ANY, INCLUDING MANDATORY REDEMPTION OF TERM BONDS, IF ANY; THE INTEREST RATES AND PAYMENT DATES OF THE BONDS; APPLICATION OF THE PROCEEDS OF THE BONDS; TRANSFER OF BALANCES, IF ANY, FROM THE DEBT RETIREMENT FUNDS FOR THE PRIOR BONDS TO THE ESCROW; PURCHASE OF SECURITIES FOR THE ESCROW; FINAL PREPARATION, APPROVAL, EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT, ESCROW AGREEMENT, OFFICIAL STATEMENT, AND ALL OTHER NECESSARY ACTIONS.

THE NET INTEREST COST OF THE BONDS SHALL NOT EXCEED 6.00%. PRINCIPAL ON THE BONDS SHALL BE DUE JANUARY 1 OF EACH YEAR, WITH THE FIRST MATURITY OCCURRING NO EARLIER THAN 1997, AND THE LAST MATURITY OCCURRING NO LATER THAN 2010. THE PURCHASE PRICE FOR THE BONDS, EXCLUSIVE OF ANY ORIGINAL ISSUE DISCOUNT, SHALL NOT BE LESS THAN 98% OF THE PRINCIPAL AMOUNT OF THE BONDS, PLUS ACCRUED INTEREST. THE BONDS SHALL NOT BE ISSUED UNLESS THERE SHALL BE NET PRESENT VALUE SAVINGS TO THE CITY EQUALING NOT LESS THAN 2%. IN MAKING SUCH DETERMINATIONS THE AUTHORIZED OFFICERS ARE AUTHORIZED TO RELY UPON DATA AND COMPUTER RUNS PROVIDED BY THE UNDERWRITER OR THE FINANCIAL ADVISOR.

APPROVAL OF THE MATTERS DELEGATED TO THE AUTHORIZED OFFICERS UNDER THIS RESOLUTION MAY BE EVIDENCED BY EXECUTION OF THE BOND PURCHASE

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Agreement or the Official Statement by either of the Authorized Officers.

The Authorized Officers and any other officers, administrators, agents and attorneys of the City are authorized and directed to execute and deliver all other agreements, documents and certificates and to take all other actions necessary or convenient to complete the issuance, sale, and delivery of the Bonds in accordance with this Resolution, and to pay costs of issuance including purchase of bond insurance, bond counsel fees, pricing consultant fees, rating agency fees, costs of printing the Bonds and the preliminary and final official statements, and any other costs necessary to accomplish sale and delivery of the Bonds.

12. The Authorized Officers are authorized to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if, upon the advice of the Financial Advisor the acquisition of such insurance would be of economic benefit to the City.

13. In order to enable underwriters to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, the City hereby agrees to undertake Continuing Disclosure as issuer of the Bonds, and as an Obligated Person of the proposed bonds to be issued by the City of Lansing Building Authority to finance improvements to the Groesbeck Municipal Golf Course and to finance the acquisition of a Southside Community Center at Washington Park. Pursuant to the terms of each Continuing Disclosure Undertaking, the City would provide, or cause to be provided, (I) certain annual financial information and operating data, including audited financial statements for the preceding fiscal year, (II) timely notice of the occurrence of certain material events with respect to the Bonds, and (III) timely notice of a failure by the City to provide the required annual financial information on or before the date required in the Continuing Disclosure Undertaking. The Authorized Officers are authorized to execute each such Continuing Disclosure Undertaking on behalf of the City in such form as he shall, in consultation with bond counsel, determine to be appropriate.

14. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

By Councilmember Beal

To place an affirmative roll on the resolution

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly

NAYS: Councilmember Novak (Absent and unexcused for this vote)

By Councilmember Lilly

To reconsider the vote on this resolution

Carried unanimously

By Councilmember Lilly

To place an affirmative roll on the resolution

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, at a regular meeting held on Monday, October 14, 1996, at 7:00 o'clock p.m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said meeting: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

and that the following Members were absent: None.

I further certify that Member Lilly moved adoption of said resolution.

I further certify that the following Members voted for adoption of said resolution: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak and that the following Members voted against adoption of said resolution: None

Marilynn Slade,
City Clerk

RESOLUTION #469A
BY THE COMMITTEE ON WAYS AND MEANS

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RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT THE FY 97 TRANSFERS BE APPROVED,

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,500	MAYOR-NEIGHBORHOOD GRANT PROGRAMS 101-172300-963002-0	MAYOR-CONTROL 101-172300-992200-0
$1,500	MAYOR-CONTROL 101-172300-992200-0	POLICE-CONTROL 101-343201-992200-0

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,500	POLICE-CONTROL 101-343201-992200-0	CENTRAL SERV.-OPERATING EXPENSES 101-343221-741000-0

(TRANSPORTATION COSTS ASSOCIATED WITH SUMMER NEIGHBORHOOD PROGRAMS.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$70,000	PARKING-RETAINED EARNINGS 585-0-395001-0	PARKING-CONTROL 585-453642-992200-0
$70,000	PARKING-CONTROL 585-453642-992200-0	S. CAPITAL-MAJOR MAINTENANCE 585-453645-746101-0

(FUNDING FOR REMOVAL OF REMAINING DECORATIVE FACIA PANELS. IN AUGUST, ONE PANEL FELL DUE TO DETERIORATION, AND 15 LOOSE PANELS WERE REMOVED AS A SAFETY MEASURE. SINCE STRUCTURAL INTEGRITY MAY BE IMPAIRED, IT IS NECESSARY TO REMOVE PRIOR TO WINTER TO REOPEN ADJOINING SIDEWALK.

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,100	LABOR RELATIONS-SALARIES 101-173162-702000-0	LABOR RELATIONS-MISC. & OPER 101-173162-741000-0

(PURCHASE OF COMPUTER WORK STATION, TWO COMPUTER CARTS, AND FAX FOR LABOR RELATIONS OFFICE.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$25,000	CDBG-ECONOMIC DEVELOPMENT 252-932665-975203-32000	CDBG-SMALL BUSINESS LOANS 252-932665-741831-32000

(ESTABLISHMENT OF LOAN GUARANTEE PROGRAM FOR SMALL BUSINESS DEVELOPMENT PROJECTS)

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #470A
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

THAT THE LESSER OF THE AMOUNT INDICATED OR THE REMAINING UNENCUMBERED BALANCE IN THE FOLLOWING ACCOUNTS BE REAPPROPRIATED IN FY 97 TO THE ADMINISTRATIVE ACCOUNTS AS SHOWN;

GENERAL FUND

PUBLIC SERVICE

BALANCE AS OF 9/18/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$50,472	101-173612-743000-0 PROFESSIONAL SERVICES	UNENCUMBERED BALANCE

(FUNDS FOR CONTRACTUAL PAINTING OF CITY HALL COMPLEX INTERIOR.)

GENERAL ADMINISTRATION

BALANCE AS OF 9/18/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$892	101-173901-741870-0	UNENCUMBERED BALANCE

(CONTINUATION OF INCREASED LEVEL OF EMPLOYEE RECOGNITION EFFORTS.)

BALANCE AS OF 9/18/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$12,500	101-173901-741200-0 COMMUNITY USE	UNENCUMBERED BALANCE

(COMMUNITY USE OF LEPFA FACILITIES.)

POLICE

BALANCE AS OF 9/18/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$ 100	101-343201-741894-0 DONATIONS-PRINTS FOR LIFE	UNENCUMBERED BALANCE

(SEPARATE ACCOUNT CREATED FOR PRINTS FOR LIFE PROGRAM.)

FIRE

BALANCE AS OF 9/18/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$22,440	101-343570-977000-0 AMBULANCE-EQUIPMENT	$2,500

(PURCHASE OF 4 CPR MANIKINS WHICH WAS NOT COMPLETED PRIOR TO YEAR END.)

PARKS & RECREATION

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AMOUNT TO TRANSFER	TRANSFER FROM FY 96 ACCT #	TRANSFER TO FY 96-97 ACCOUNT #
$6,545	101-783832-741000 LIFETIME SPORTS-MISC/OPER	101-783833-741000-90001 LYRF MISC. & OPER
$14,231	101-783833-707000-0 SPEC. RECR.-TEMP. HELP	101-783833-707000-90001 LYRF TEMP. HELP

(BALANCE REVENUES RECEIVED WITH APPROPRIATIONS FOR LANSING YOUTH AND RECREATION FUND

AMOUNT TO TRANSFER	TRANSFER FROM FY 96 ACCT #	TRANSFER TO FY 96-97 ACCOUNT #
$3,400	101-783821-706000-0 FORESTRY-SALARIES	101-783821-742510-0 FORESTRY-TREE REPL

(REPLACE TREES WHICH DID NOT SURVIVE FROM MDOT S. CEDAR PROJECT, AND FUNDS FOR TREES IN FRONT OF STADIUM. TREES SHALL NOT BE CRABAPPLE.)

BALANCE AS OF 9/18/96	ACCOUNT #	AMOUNT TO CARRY FORWARD
$10,475	101-783832-741000-0 LIFETIME SPORTS-MISC. & OPER.	$ 798

(LEXAN PANELS TO PROTECT SPONSOR ADVERTISING ON GIER PARK SCOREBOARD.)

BE IT FURTHER RESOLVED THAT THE PREVIOUS ADOPTED CARRY FORWARD RESOLUTION BE CORRECTED SUCH THAT REMAINING UNENCUMBERED BALANCES IN ACCOUNTS 101-172720-741000-0 AND 101-172720-977000 BE CARRIED FORWARD INSTEAD OF ACCOUNTS 101-172730-741000-0 AND 101-172730-977000-0 FOR DEVELOPMENT OF THE ASSESSOR'S APPRAISAL, NETWORK AND MAPPING SYSTEMS.

BE IT FINALLY RESOLVED THAT THE FY 96 TRANSFER RESOLUTION OF SEPTEMBER 15, 1996 BE CORRECTED SUCH THAT $39,001 BE APPROPRIATED TO ACCOUNT 203-453630-742500-0, RATHER THAN $39,078 AS SHOWN.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #471A
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CHARTER OF THE CITY OF LANSING REQUIRES THE COUNCIL ADOPT AN ANNUAL STATEMENT OF BUDGET POLICIES AND PRIORITIES SERVING TO GUIDE THE ADMINISTRATION IN DEVELOPING AND PRESENTING THE FISCAL YEAR 97-98 BUDGET; AND

WHEREAS, THE POLICIES CONTAINED HEREIN RE-AFFIRM THE CITY COUNCIL'S COMMITMENT TO THE IMPROVEMENT AND MAINTENANCE OF INFRASTRUCTURE; THE PRESERVATION AND IMPROVEMENT OF CLEAN, SAFE, WELL-MAINTAINED NEIGHBORHOODS, INCLUDING PARKS; COMPREHENSIVE AND AFFORDABLE RECREATIONAL PROGRAMS AND YOUTH AND FAMILY SERVICES; AUTOMATION OF WORK PROGRAMS FOR IMPROVED EFFICIENCY IN SERVICE DELIVERY; AND CONTAINMENT OF COSTS.

NOW, THEREFORE, BE IT RESOLVED THAT THE FOLLOWING STATEMENT OF POLICIES AND PRIORITIES SHALL REMAIN IN EFFECT FROM THE DATE OF ADOPTION AND SHALL GOVERN BUDGET DEVELOPMENT IN FY 97-98 AND ALL SUCCESSIVE YEARS UNLESS OTHERWISE AMENDED:

1. THAT THE ADMINISTRATION SHALL PROVIDE $250,000 ABOVE THE FISCAL YEAR 96-97 L.P.D. OVERTIME APPROPRIATION FOR THE PURPOSE OF PROVIDING ENHANCED PATROL COVERAGE THROUGHOUT THE FISCAL YEAR.

2. AUTOMATION OF LABOR INTENSIVE SERVICES CONTINUES TO BE A PRIORITY FOR IMPROVING THE EFFICIENCY AND ECONOMY OF CITY PROGRAMS WITH PRIMARY EMPHASIS ON AUTOMATION OF REVENUE GENERATING AND PUBLIC SAFETY PROGRAMS. ADDITIONALLY, IT IS OF PARAMOUNT CONCERN THAT AUTOMATED PROGRAMS HAVE APPROPRIATE AND COMPREHENSIVE SECURITY. RECOMMENDED EXPENDITURES SHALL BE TIED TO THE CITY'S COMPUTERIZATION PLAN.

3. THE CITY OF LANSING SHALL NOT ACQUIRE BUILDINGS FOR THE PURPOSE OF DEMOLITION UNLESS THE ESTIMATED COST OF REHABILITATION EXCEEDS THE ESTIMATED COST OF ACQUISITION, DEMOLITION, AND RELOCATION. ANY EXCEPTION TO THIS POLICY MAY BE AUTHORIZED BY CITY COUNCIL.

4. THE PARKS AND RECREATION DEPARTMENT IS REQUESTED TO PROVIDE COSTS AND LOCATION RECOMMENDATIONS FOR OUTDOOR ICE RINKS IN DEVELOPING AND PRESENTING THE FY 98 BUDGET. ICE RINKS SHALL BE FULLY OPERATIONAL BY THE BEGINNING OF THE LANSING SCHOOL DISTRICT'S WINTER BREAK.

5. DEVELOPMENT OF COMPREHENSIVE AND ACCESSIBLE RECREATION PROGRAMS AND RECREATIONAL OPPORTUNITIES, PARTICULARLY THOSE DIRECTED AT YOUTH, SENIORS AND FAMILIES, ARE TO BE A TOP PRIORITY IN DEVELOPING THE FY 98 BUDGET. CONSISTENT WITH THIS PRIORITY THE ADMINISTRATION IS DIRECTED TO PROVIDE THE UTMOST COOPERATION AND SUPPORT TO LOCAL INDIVIDUALS, GROUPS, AND NON-PROFIT AGENCIES REQUESTING ASSISTANCE WITH DEVELOPING AND EXPANDING YOUTH RECREATION ACTIVITIES. ACCORDINGLY, THE ADMINISTRATION IS DIRECTED TO PURSUE A COOPERATIVE EFFORT WITH EAST LANSING TO PROVIDE A SKATEBOARD-ROLLER

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blade facility at Ranney Park.

6. $20,000 be budgeted in the General Administration Account Series for the purpose of sponsoring neighborhood associations' use, and use by other community based nonprofit organizations, as approved by City Council, of city facilities.

7. The Administration shall develop and present for Council approval goal based performance indicators through which City programs and functions can be monitored and evaluated.

8. The Administration shall present the number of budgeted positions per Department, for the past five years and the average cost per budgeted position for each year.

9. The Administration work with the State of Michigan for a separate Equity or PILOT payment that offsets the Ad-Valorem Tax revenues lost to the 193 acres occupied by State of Michigan facilities.

10. The Administration shall annotate mandated expenditures by citing the appropriate reference (e.g. statutory reference, Federal Register number, etc.) for all legally mandated programs by Department.

11. A complete report regarding all City owned property, including that titled to the Board of Water and Light, shall be submitted to City Council in accordance with the City Charter.

12. Any and all additions, deletions, and amendments to adopted City Council policy shall be summarized and communicated in a separate section of the Mayor's recommended budget. Any policy changes not specifically delineated in this section shall be null and void, and of no effect.

13. All administrative transfers shall be submitted to the City Council through the Monday night agenda for referral. All transfers shall be placed on the agenda the Monday following approval.

14. It shall continue to be a high priority of this council to dedicate intermittent and one-time revenues, and all revenues in excess of expenditures in any given fiscal year, to capital improvement needs, subject to provisions of the Budget Stabilization Fund Ordinance.

15. $100,000 of CDBG Funds shall be dedicated to repaving local streets in CDBG eligible areas; and

BE IT FURTHER RESOLVED that the following policies and priorities shall govern from the date of adoption until the end of Fiscal Year 97-98.

1. A minimum of $7,420,000, inclusive of all funding sources, shall be dedicated to basic and routine street rehabilitation in FY 97-98. Any transportation system improvement funded shall be in addition to the $7,420,000 needed to conduct annual rehabilitation activities. The Administration shall, when designing street rehabilitation and re-pavement projects, make a recommendation to the City Council regarding the propriety of installing bike lanes with the intent of providing bike lanes where feasible. In addition $100,000 above the FY 96-97 appropriation, shall be allocated to sidewalk repair and replacement.

2. Exclusive of Parks Millage Funds and funds dedicated to street rehabilitation, a minimum of 2.7% of FY 98 General Fund appropriations shall be devoted to capital improvements with emphasis on rehabilitation of existing buildings. The Administration shall, prior to or in conjunction with the FY 97-98 budget recommendation, provide an analysis of building repair needs and a space utilization study. This policy shall not, however, preclude the erection of a new Southside Fire Station.

3. No new positions shall be approved in the FY 97-98 Budget, unless new positions are balanced by a reduction in other budgeted positions, or baseline revenues increase to cover the costs of any new positions.

4. The Administration shall design, fund, and present to City Council a program dedicated to school patrol both within and adjacent to schools. This program shall include a component to effectively enforce truancy violations.

5. The Parks Department shall develop summer child care recreational programs to be offered from 7:00 AM to 6:00 PM, M-F. A minimum of two sites shall be offered. Locations shall be based on greatest population density of children, percentage of population below poverty, percentage of single parents, and available facilities in the area selected. Council anticipates levying a fee for this program including sliding-scale fee alternatives based on ability to pay for working parent(s) who may not otherwise afford child care in the summer. The City Council desires to see a cooperative effort between Parks & Recreation, Human Relations & Community Services, and the Lansing School District. In addition SUMMER day-long recreational programs shall be offered during normal work day hours to the fullest extent possible.

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6. The administration shall develop and present a revised process for studying residential traffic concerns by including residents in both problem identification and problem resolution prior to implementing a formal traffic study. In addition, the administration research all possible methods, specifically including utilization of "planed" or modified speed bumps, to control speeds in residential areas and to re-direct cut-through traffic from residential areas to main streets.

7. The administration shall expand upon the current City-wide clean-up program offered through both CDBG and the General Fund to create an alley clean-up component comprised of removing brush, trimming trees, and installing necessary lighting for the purpose of providing security in problem areas. In conjunction with this policy, the Administration shall present for Council approval an amnesty program allowing for the clean-up of junk cars

8. The administration shall continue to implement all alternatives to improving the aesthetics of boarded-up houses AND BUILDINGS, and research the legality of demolition if such standards cannot be met and maintained. In addition the Administration shall develop a plan for presentation to City Council to rehabilitate housing along highly visible corridors and around schools.

9. An additional $500,000 of Parks Millage Funds be allocated to the south Side Community Center project. This amount shall be in addition to allocations required under current policy.

10. $50,000 be appropriated to establish a low interest revolving loan fund available to owners of historic commercial buildings for preservation of these historic buildings.

11. The administration shall develop and present a package of incentives designed to assist first time low and moderate income home buyers, and co-operatives serving low and moderate income home buyers. This package should include consideration of, but not be limited to, low interest loans, down payment assistance, and use of CDBG rehabilitation funds which could serve as the equity investment for the purpose of obtaining a loan.

12. $60,000 shall be allocated to support Middle School athletic programs to provide for a four-day per week program contingent upon an appropriation of $12,000 by the Lansing School District to provide for transportation.

13. The Administration shall include full funding to update all Master Plans without increasing the baseline funding of the department.

14. The design of the Southside Community Center shall allow for the potential addition of a branch library facility.

15. THE PUBLIC SERVICE DEPARTMENT SHALL DEVELOP AND PRESENT TO THE COUNCIL A PLAN TO PROVIDE A PARKING VALIDATION PROGRAM FOR CITY RESIDENTS FOR PARKING FEES INCURRED IN THE COURSE OF UTILIZING CITY HALL TO CONDUCT CITY BUSINESS

By Councilmember Beal

To accept a substitute resolution for the original contained in the packet

Carried unanimously

By Councilmember Beal

To amend the substitute resolution by adding a final paragraph to be numbered #15 to read as follows:

"15. THE PUBLIC SERVICE DEPARTMENT SHALL DEVELOP AND PRESENT TO THE COUNCIL A PLAN TO PROVIDE A PARKING VALIDATION PROGRAM FOR CITY RESIDENTS FOR PARKING FEES INCURRED IN THE COURSE OF UTILIZING CITY HALL TO CONDUCT CITY BUSINESS."

Carried unanimously

By Councilmember Allen

To amend the resolution on page 4, paragraph #8, line 3 to add the words "AND BUILDINGS" after the word "houses".

Carried unanimously

By Councilmember Novak

To amend the resolution in the last sentence of paragraph #5 on page three to insert the word "SUMMER" between the words "addition" and "day-long"

Carried unanimously

By Councilmember Beal

To place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #472A
REPORT OF COMMITTEE

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THE COMMITTEE ON GENERAL SERVICES, TO WHOM THE STORMWATER ENTERPRISE APPEALS WERE REFERRED TO,

REPORTS AS FOLLOWS: THE COMMITTEE SCHEDULED FIVE APPEALS FOR REVIEW FOR WHICH TWO APPELLANTS WERE IN ATTENDANCE. DISCUSSION ENSUED REGARDING THE POLICY AND PROCEDURES WHICH THE COMMITTEE SHOULD FOLLOW FOR GRANTING APPEALS. IT WAS THE CONSENSUS OF THE COMMITTEE THAT A MEETING BE SCHEDULED, TO INCLUDE THE CITY ATTORNEY AND THE CITY STORMWATER ENGINEER, TO DEVELOP AN APPEALS PROCESS WHICH WILL GOVERN ALL STORMWATER APPEALS HEARD BY THE COMMITTEE. THIS REPORT IS FOR YOUR INFORMATION ONLY, AND NO COUNCIL ACTION IS REQUIRED:

SIGNED: TONY BENAVIDES, CHAIRPERSON
JOAN E. BAUER
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #473A
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, LANSING RESIDENT PAUL M. SCOTT PASSED AWAY UNEXPECTEDLY ON OCTOBER 10, 1996, AT THE AGE OF 42, AND A MEMORIAL SERVICE IS PLANNED FOR 4:00 PM ON WEDNESDAY, OCTOBER 16TH, AT THE GORSLINE RUNCIMAN CHAPEL AT 900 EAST MICHIGAN; AND

WHEREAS, WITH A BACKGROUND IN URBAN PLANNING, MR. SCOTT WAS VERY INVOLVED IN LOCAL GOVERNMENT, ATTENDING COUNCIL AND COMMITTEE MEETINGS TO STAY ABREAST OF DEVELOPMENTS IN A VARIETY OF AREAS; AND

WHEREAS, MR. SCOTT VOLUNTEERED HIS TIME AND EXPERTISE AS AN ALTERNATE CITY REPRESENTATIVE ON THE COMMITTEE WORKING TO BRING ABOUT A NEW DISTRICT LIBRARY SYSTEM FOR LANSING, AND WORKED ENTHUSIASTICALLY AS PART OF A SUCCESSFUL TEAM TO SECURE A MAIN STREET GRANT FOR THE OLD TOWN AREA; AND

WHEREAS, SERVING AS A CITIZEN REPRESENTATIVE OF LANSING APPOINTED BY THE COUNCIL PRESIDENT TO THE TRI-COUNTY REGIONAL PLANNING COMMISSION, MR. SCOTT WAS VICE CHAIRPERSON IN 1996, AND WAS INSTRUMENTAL IN THE COMMISSION'S FORWARD PLANNING EFFORTS; AND

WHEREAS, MR. SCOTT BROUGHT CONCISE STATEMENTS OF FACT AND WELL REASONED OPINIONS TO THE PUBLIC PODIUM DURING COUNCIL MEETINGS, EARNING THE RESPECT OF MANY ELECTED AND APPOINTED OFFICIALS;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL, SITTING IN REGULAR SESSION THIS 14TH DAY OF OCTOBER, 1996, HEREBY EXPRESSES HEARTFELT SYMPATHY TO THE FAMILY AND FRIENDS OF PAUL SCOTT, PLUS THE STRONG CONVICTION THAT LANSING CITY GOVERNMENT IS BETTER FOR THE TIME HE WAS WITH US.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER BEAL; A RESOLUTION OF TRIBUTE TO THE LATE PAUL SCOTT, CITIZEN ADVOCATE

COUNCILMEMBERS MADE INDIVIDUAL EXPRESSIONS OF SYMPATHY AND CONDOLANCES TO THE FAMILY OF MR. SCOTT.

HANDLED AS RESOLUTION #473

2. FROM COUNCILMEMBER BENAVIDES; A COMMITTEE REPORT FROM THE GENERAL SERVICES COMMITTEE REGARDING THE PROCESS FOR HANDLING STORMWATER FEE APPEALS

HANDLED AS RESOLUTION #472

3. FROM COUNCILMEMBER BENAVIDES; A REQUEST FOR COMMUNITY USE FUNDING FROM THE OTTO MIDDLE SCHOOL CONCERT BAND TO HELP FUND A TRIP TO ORLANDO, FLORIDA TO ALLOW THEM TO PARTICIPATE IN A WALT DISNEY WORLD AND A UNIVERSAL STUDIOS APPEARANCE

REFERRED TO THE MAYOR

4. FROM COUNCILMEMBER BAUER; A LETTER FROM THE DIRECTOR OF THE GREATER LANSING AMATEUR HOCKEY ASSOCIATION (GLAHA) REGARDING THEIR PROPOSAL FOR A DOME AT WASHINGTON PARK ICE SKATING RINK

RECEIVED AND PLACED ON FILE

5. FROM COUNCILMEMBER LEEMAN; A RESOLUTION ESTABLISHING RATES FOR REFUSE CART FEES

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

TABLED ITEMS

A. BY COUNCILMEMBER TONY BENAVIDES

1. INTRODUCTION OF AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF LANSING BY

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Repealing Chapters 274 and 275 and by Amending Chapter 297, for the Purpose of Consolidation and Reorganization and Declaring the Same to be Null and Void and of no effect, and Setting a Public Hearing for November 11, 1996

2. Introduction of an Ordinance Amending the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 299 for the Purpose of Establishing and Continuing an Affirmative Action Program within the City of Lansing, and Setting a Public Hearing for November 11, 1996

3. Introduction of an Ordinance Amending the Code of Ordinances by Amending Chapter 297 for the Purpose of Consolidating the Functions and Purposes of the Human Relations and Human Resources Boards and Establishing a Human Relations and Community Services Advisory Board, and Setting a Public Hearing for November 11, 1996

PUBLIC COMMENTS

David Reed of P.O. Box 685 in E. Lansing spoke regarding his lawsuit against the City of Lansing.

William Hubbell of 3916 Wedgewood Dr. asked Councilmember Benavides to look into the paving project taking place at the corner of Stillwell and E. Jolly.

Larry Miller of 1122 W. Allegan St. said that General Motors needs to get their engineers into the stacks at the Verlinden St. plant to see what the odor emissions problem is. They need an opportunity to see how this system works and a chance to keep the emissions from entering the stacks.

Brian Barkley of 715 Emily St. of the Lansing Junior Chamber of Commerce thanked Mr. Teets and Mr. Hubbell for taking the opportunity to speak with them today.

Lisa Babcock-Thomas of 1300 W. Barnes Ave. sent her condolences to the Scott Family. She said that Lansing is a good place to live, because it has a good mixture of people living in it. They all deserve a Civil Rights Ordinance.

Del Maynard of 2017 Culver stated his support of City of Lansing Proposals 1 & 2, confirming the adoption of the Civil Rights Ordinance.

Dick Weber of 4923 Lyncott spoke in support of the Civil Rights Ordinance. It is time for the citizens of Lansing to get a fair shake, he said. Councilmembers do not have the right to cut speaking time short for people who are addressing them.

Mark Eggleston of 4001 Heathgate asked about the status of the sale of Lindell Drop Forge property. He requested that Councilmember Benavides check into the repaving of Holmes and Jolly Roads and asked about the status of the repaving of the intersection at Walnut and Main which has not been repaved as yet, but should have been. He spoke in opposition to a Community Center User Fee and in support of the Dome over the Ice Rink at Washington Park. He asked Council to expedite this matter. He suggested that the participants of the "March for Justice" admit that the Lansing Police Department is doing a fine job under bad conditions. Morale at the Police Department is at an all-time low.

Lloyd Teets of 116 E. Elm St. announced that funeral services for Paul Scott will be held on October 16, 1996 from 4:00 - 5:00 P.M. A reception will follow at 313 E. Grand River. He urged Councilmembers to "do the right thing on the sewer rate issue."

Ed Simmer of 2609 Dier read a poem in memory of Paul Scott.

Chris Cotter of 2111 Harding said that the methodology for the calculation of EHA in the City of Lansing is full of problems. It cannot be trusted because it does not take into consideration many factors that directly affect the amount of water going into the infrastructure system. He called for a program that would assess a cost to the 30% of the homeowners in the City that need sewer separation.

Cheryl VanDeKerkhove, no address given, urged voters to vote yes on City of Lansing Proposals 1 & 2 in support of the Civil Rights Ordinance. She characterized the flier being mailed out by MOST as "full of lies and distortions of the truth." The League of Women Voters will host a debate on this issue on October 24, and November 2, 1996. It will air on Cable Channels 6 and 17.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked GLAHA for providing athletics for kids of all ages. She thanked the Jaycees for their interest in serving the City and for the reception they hosted tonight. She acknowledged the retirement of General Motors General Manager, John Rock. She thanked him for the partnership GM has maintained with the City under his management. She reported attending a dialogue circle on racism last week at LCC.

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Councilmember Lilly explained that the public does not have an unlimited right to speak before the City Council. The idea is to allow City Council to take care of it's business meeting and allow them to take care of the business that the City Administration has put before them. They are allowed to set parameters governing how people speak and how long they speak at Council Meetings. The Board of Police Commissioners, he said, cannot be changed by City Council. This would have to be done by a Charter amendment. Maybe, Council should start taking a closer look at who they agree to appoint to the Board. He stated that he has not seen the MOST flier alluded to by Ms. VanDeKerkhove, however, it is just as wrong for anyone to stand in front of the public ans say that, if people vote against the Civil Rights Ordinance on the ballot, civil rights will be taken away. No Municipal Ordinance can suspend State and Federal Laws.

Councilmember Beal said that it is frustrating to Councilmembers to hear people accuse them of violating their rules when they are actually following their rules. It is also frustrating for them to listen to sincere heart felt concerns and circumstances when there is really nothing that they can do. All of the issues that the March Organizers keep bringing to council are in the purview of the Mayor's Office and Councilmembers must wait for his recommendations. She announced that they have engaged the services of Mike Swanson to take over for Karen Schmidt during her illness, and she wishes Karen all the best. They also have a new co-op student to help take up the slack for staff shortages. She announced the cancellation of the regularly scheduled meeting of the Ways and Means Committee for this week.

Councilmember Benavides said that all of Holmes Rd. to Waverly Rd. will be re-done, as will Jolly Rd. The Lindell Drop Forge Property has been purchased by a private company who is trying to restore the property. They are attempting to get DNR permits for the cleanup of the property.

Councilmember Allen said that she would have liked to attend the dialogue circle at LCC, but unfortunately they are held during the day when she is at work. She sent her congratulations to Liza Estlund-Olson from the Mayor's Office on the birth of her baby girl. She noted that it is interesting that the Board of Police Commissioners membership has 6 minority members. She sent best wishes out to Karen Schmidt for a speedy recovery. Everyone is looking forward to her return.

Councilmember Leeman suggested that the members of the March for Justice who are stating complaints verbally to Councilmembers, put their complaints into writing and submit them to the Mayor and the Board of Police Commissioners. Regarding the issue of residency with regard to the membership of the Principal Shopping District, the Council has merely confirmed the appointments recommended by the Mayor's Office. The issue of the legality of the Stormwater Enterprise Fund is in Court right now. They expect a judgement on this case in the immediate future. He stated that the Committee on General Services is giving serious consideration to the matter of a process for handling the Stormwater Enterprise Fund Fee appeals. He sent prayers and best wishes out to Karen Schmidt. He urged the public to visit the City Parks and take in some of the beautiful fall color show being put on by nature.

Council President Jones announced that the City Market will host it's Harvest Days Celebration this Thursday, Friday and Saturday. They will have a pancake breakfast Saturday morning from 8:00 A.M. to 12:00 P.M. He thanked his wife, Dorothy, for her efforts in organizing the Moores Park Home Tour that took place last weekend. They raised $300.00 for young people in their neighborhood. He thanked Mr. Wiener and the people in the neighborhood for attending the tour. He thanked Ron Onufer for putting together a fitting tribute to Paul Scott and sent best wishes to Karen Schmidt and said that he hopes her absence is a short one.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener wished blessings upon the community.

ADJOURNED 10:10 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS OCTOBER 21, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by Council President Jones. He introduced Boy Scout Troop #190, in attendance tonight to observe the proceedings, in order to earn a Merit Badge.

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of October 7, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; A letter from Planning Manager, Eleanor Love requesting that Council initiate a Rezoning for property located at 4720 S. Cedar St.

2. From Councilmember Lilly; a letter from Planning Manager, Eleanor Love regarding the Purchase of Development Rights

3. From Councilmember Lilly; a Substitute Resolution for the resolution on tonight's agenda as Item XIII A, Statement of Intent to Build a Consolidated Circuit Court Facility

4. From Councilmember Allen; a letter from Dick & Helen Fiser of 12100 S. Cork Rd. in Morrice, MI protesting their Stormwater Enterprise Fund Fee

5. From Councilmember Benavides; a Resolution for the Distribution of Unclaimed Bikes

6. From Councilmember Benavides; a letter from the Capital Area United Way regarding their Principal Shopping District Assessment

7. From Councilmember Leeman; a Petition regarding the installation of Stop Signs at Lyman and N. Fairview

8. From Councilmember Leeman; a Petition from the Parents of Fairview School regarding the condition of their parking lot resulting from the CSO construction

9. From Councilmember Leeman; a letter from the El-Hajj Malik El-Shabazz Academy requesting that they be allowed to address Council at this meeting

10. From Councilmember Leeman; a Resolution of Tribute to El-Hajj Malik El-Shabazz Academy

PUBLIC HEARINGS

A. In Consideration of an Application for Industrial Facilities Exemption Certificate filed by Demmer Corporation for property located at 705 E. Oakland Ave.

John Dobrowolski of 4710 Wellington in Okemos spoke in support of Demmer Corporation's application for an Industrial Facilities Exemption Certificate. He is here on behalf of Demmer to answer any questions that Councilmembers may have. Their plans are to add state of the art equipment to their Oakland St. facility. This will result in the addition of 30 new positions. They have been in Lansing for over 36 years.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

Alisande Henry of 305 N. Fairview, addressing Council tonight on behalf of the Fairview School PTO, spoke regarding the condition of the School parking lot. This is a result of the CSO construction on Fairview. They were promised that they would be getting a new parking lot, once the project was finished. Because of this promise, they suffered many inconveniences in dealing with the CSO construction equipment

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operating out of their school parking lot. Now that the construction has been completed, they have been told that the renovation of the parking lot that they were promised is limited to the entrances to the lot. They are here tonight to request that their lot be renovated as promised.

Darnell Oldham, Sr. of 3815 Berwick Dr. accused Council President Jones of unfair treatment towards black people who have addressed Council regarding the March for Justice.

Janice Berry of 2130 W. Holmes, Vice-President of El Malik Shabazz Academy, said that they have over 100 students being educated in an Afro-centric Directive. She invited Councilmembers to attend their Open House to be held on Thursday, October 24, 1996, at which they can meet the parents, teachers and staff members. The Open House will begin at 7:00 P.M.

Carol Wood of 1018 W. Lapeer spoke in qpposition to the Team Policing Concept being implemented by LPD. She recited a list of crimes in her neighborhood.

Ruth Hallman of 1014 W. Lapeer spoke in agreement with the statements made by the previous speaker and said that the City does not have enough Police Officers to effectively utilize this concept.

Andrew Brodie of 1114 William, Pastor of the St. Luke Baptist Church, said that they are going to keep the precepts of the March for Justice on the front burner. He will be watching to see if there is any real effort on the part of Councilmembers to seek the truth about the death of Edward Swans, as well as the death of Mr. Bell in Lansing Township.

George Taylor of 1620 Inverness and Jerel Cantu of 616 Bartlett related an incident to Council, in which they were harassed and intimidated by Lansing Police Officers. this incident took place on September 14, 1996 at 10:30 P.M. They had gone to a local market to buy soft drinks. They were not even in violation of the curfew ordinance. After the officers interviewed and frisked them, they attempted to get the badge numbers because of the treatment they received at the hands of these officers, but the officers refused to give them the information they requested.

Geraldine Parks of 2428 Reo Rd. spoke regarding the wrongful imprisonment of her son, Marvin Foreman, who was imprisoned for a murder that he did not commit. He is currently being held by the State.

Helen Fiser of 12100 S. Cork Rd. in Morrice asked Council not to approve the resolution, submitted by Mayor Hollister, placing delinquent Stormwater Enterprise Fund Fees on the Tax Rolls.

Lloyd Teets of 116 E. Elm St. spoke regarding what he terms "misinformation going out over the air waves regarding sewer rates. In an effort to counter the affect of these transmissions, he has drafted a form letter to be signed by "real Lansing Residents and voters." He has calculated his sewer rate increase over the last 5 years. Residential rates have gone up between 40-80%. Under the commodities based rate that he has proposed, 78% of residents would save money on their sewage bills.

Lee Taylor of 2023 W. Main said that there is no doubt of the misconduct by members of the Lansing Police Department.

Reverend Lester Stone of 1603 W. Kalamazoo announced that on November 4, 1996, one day before the Presidential Election, there will be a March for Justice Meeting to give an update on the activities of the "March" participants, and to encourage people to go to the polls and vote. We have to acknowledge that law enforcement in Lansing is sick, then we can go about healing it. Regarding the story of the two young men who were detained and harassed by the Police on September 14, 1996, he persuaded these two young men to come tonight to tell Council about their experience.

Larry Broughton of 5001 Southwick asked if City Council has any connection or influence over the Police Department. Councilmember Beal explained that the only influence Council has over the Police Department is that they are required to confirm appointments to the Board of Police Commissioners and they approve the Police Department Budget annually. The Mayor, she explained, is the CEO of the City. Lansing has a strong Mayor form of government. Councilmember Lilly continued that Councilmembers have the power to request an investigation and to compel testimony of individuals through the use of their subpoena power.

Rita Bunton of 3311 Brisbane Dr. criticized Councilmember Leeman for his comments regarding the complaints about LPD and the proper channels and processes for making complaints. The prescribed complaint process cannot be completed in some cases. In most cases, minorities cannot even obtain copies of their police reports.

Roxanne Johnson of 1302 Pompton Cr. in E.

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Lansing said that the March for Justice does not condone criminal behavior, or illegal activities of any kind. However, they will not accept unfair treatment or harassment of their people. She urged Councilmembers to attend the meeting on November 4th at the Friendship Baptist Church on Main St.

Alberta Jordan, no address given, encouraged Councilmembers to attend the November 4th meeting of the March for Justice. She spoke regarding the wrongful imprisonment of her son on a conviction involving six robberies.

Robert Ovalla of 110 E. Pointe Ln. in E. Lansing said that the Hispanic Community should have a 5,000 Man March on Washington. President and Mrs. Clinton keep making promises about a "Bridge to the Future", he wonders if the "Bridge" will be wide enough for people of all races to cross it and achieve justice.

Frank Curtis "X", no address given, advocated the replacement of the Ingham County Sheriff and the Ingham County Prosecuting Attorney. He urged voters to vote them out of office on November 5, 1996. He threatened to take justice into his own hands, if one of his kids gets hurt.

Tracey Hampden of 1608 W. Washtenaw said that the participants of the March for Justice have been meeting with Mayor Hollister regarding their demands. They have gotten held up on the issue of whether or not a problem exists with the Lansing Police Department. The City, she said, needs to accept the fact that the problem does exist. She stated that she was recently subpoenaed by the City Attorney's Office in connection to the Swans case and demands to know why.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Reverend Lester D. Stone, Pastor of the Friendship Baptist Church requesting time to address Council regarding the Implementation Phase of the Issues of the March

REFERRED TO COUNCIL PRESIDENT JONES

B. Letter from Gary Davis of Davis Glass & Screen Co. Inc., at 800 Hosmer stating that he has no objection to Z-11-96 for 800 E. St. Joseph St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

C. Letter from Elaine M. Womboldt of Learning Disabilities Families and Friends, Inc. regarding their 3rd Annual Make a Difference for Learning Disabilities 5K-Walk/Run to be held on the River Walk on October 26, 1996

REFERRED TO COUNCIL PRESIDENT JONES AND TO THE COMMITTEE ON GENERAL SERVICES

D. Letter from Ronald Schuon of Michigan Refrigerating & Warehouse Co. stating their lack of objection to Z-11-96, for 800 E. St. Joseph St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

E. Letter from Helen LeBlanc of the River Forest Neighborhood Association stating their support for the Team Policing Concept

RECEIVED AND PLACED ON FILE

F. Letter from Howard Taylor of Taylor Furniture at 800 S. Hosmer stating their lack of objection to Z-11-96 for 800 E. St. Joseph

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

G. Letter from Capital Region Airport Authority stating their lack of objection to the Application for Industrial Facilities Exemption Certificate filed by Demmer Corporation

REFERRED TO THE MAYOR AND THE COMMITTEE ON DEVELOPMENT AND PLANNING

H. Report of October 1, 1996 Follow Up Session of the Lansing East Side Neighborhood Project Summit

RECEIVED AND PLACED ON FILE

I. Letter from William F. Savage and Petition signed by 161 Residents in the area of Fairview and Lyman Streets requesting the removal of the 4-Way Stop Signs Recently Installed at the intersection of Fairview and Lyman

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SAFETY

J. Letters in support of a change in sewer rate methodology to a commodities based rate from: Demetrio Saenz of 4822 Richmond, Chris Cotter of 2111 Harding Ave., Russell F. Smith of 403

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Rosadell, Mark R. Eggleston of 4001 Heathgate, William Hubbell of 3916 Wedgewood Dr., Francie C. Smith of 116 E. Elm St.

REFERRED TO THE MAYOR AND THE COMMITTEE ON WAYS AND MEANS

K. Stormwater Enterprise Fund Fee Appeals filed by: Harold Brown 6726 S. Washington, Richard & Phyllis Millard of 2419 Greenbelt Dr. for property located at 2311/2419/2408 & 2416 Greenbelt Dr., J. Russell and Nellie M. Bloom of 2503 Greenbelt Dr., Larry Ross of 2403 E. Cavanaugh, Mark Langschwager 6212 Rosedale, Carol Schultz 2415 Greenbelt, Paul L. McQueen 2412 Greenbelt, Charles & Connie Herman 2500 Greenbelt, David R. Schlegel 1247 Lakeside Dr., David McCardel for property located at 1903, 1913, 1923, 1933, 1943 Wood St. and 1317 E. Kalamazoo, Mitchel Skory 1906 E. Miller Rd., Gordon Stow 3505 Tecumseh River Rd.,Dan Smith 1210 Reo Rd., Ronald Preadmore 4220 Christiansen Rd., Cluster H. Smith 4814 Tressa Dr., Art & Francis Humault 400 E. Everettdale, Gilbert LaHaine 2401 Stirling Ave., Samuel Adcock 6505 S. Pennsylvania Ave., Rita M. Geller 829 W. Jolly Rd., Christopher N. Hull 1937 Sunnyside Ave., Thomas Hernly 3425 Palmer St., Jay G. Corey 3411 Sandhurst, Thomas G. Bayes for Judson Memorial Baptist Church 530 Vernon Ave., Lansing Christian School 5509 S. Pennsylvania Ave., Anne Simon 922 S. Dexter Dr., Avery Keeney 332 N. Fairview, Janet M. Smith 310 W. Barnes, James & Martha Bowden for vacant property with no street address or frontage, St. Paul's Episcopal Church 218 W. Ottawa St., NHP Management Co. for property located at 2301 E. Jolly Rd./900 Long Blvd/ E. Willoughby Rd./900 Long Blvd./1401 W. Holmes Rd., Lansing School District for 65 properties, Mt. Hope United Methodist Church 501 E. Mt. Hope, Donald Tavano 2020 Northwest Ave., Julie L. Wicks 207 Dunlap, Harold Balmer 0000 Aurelius Rd. & 6324 Aurelius Rd., Mask Memorial CME Church 5601 S. Waverly, T. Lafferty 1806 W. Michigan, Country Club of Lansing 2200 Moores River Dr., Vernon & Grace Andrews for property on Cambridge Rd. and two parcels on S. Pennsylvania

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister presented the new City Flag to President Jones. The flag is white with a gold fringed border and contains an embroidered version of the City Seal in the middle.

He announced that he has been working with Councilmember Benavides for a couple of months on the United Nations Day Celebration, and he outlined those plans. They are privileged to have a compatriot of Nelson Mandela present at the ceremonies. Some entrances to the City Hall building will be locked on UN Day to provide additional protection. Visitors must enter through the Capitol Ave. entrance.

The Mayor urged participation in "Make a Difference for Learning Disabilities 5K Walk/Run this Saturday at the Potter Park Zoo. He agreed that the dialogue that is going on between the Administration and the organizers of the March for Justice has been a productive one, and stated his appreciation to Councilmember Allen for her presence at the meetings. A spirit of goodwill is present at these meetings and is also very much appreciated. The next meeting will be held on November 1, 1996 in his office at 7:30 A.M.

Councilmember Lilly said that Council has received 188 Stormwater Enterprise Fund fee appeals since September 23, 1996, ten of which are from churches. The General Services Committee is trying to schedule 15 minutes per appeal, however, this would take approximately 122 meetings to handle the number of appeals filed and they only have ten working meetings left this year. The Committee needs to set the criteria for how these appeals will be handled. There is no foreseeable way to get through all of these appeals by the end of the year.

Councilmember Benavides noted that the Committee on General Services is meeting tomorrow at 11:30 A.M. and will consider the appeals process at that time.

Councilmember Beal clarified Councilmember Lilly's statement about their investigative powers. It is within their purview to conduct a formal investigation, however, this would be a last resort measure. She does feel that where there is smoke there is fire. She questioned the Mayor as to when Council can expect recommendations from him that will ameriolate the concerns that have been brought to them in the last several weeks.

Mayor Hollister responded that he cannot give Councilmembers a specific time line at this time. They are in negotiations. This is an on-going process. He will continue to negotiate with the March Organizers. They have reached some agreements on issues raised by this group, but there is more work to be done and he cannot say when it will be completed.

Councilmember Beal enquired as to the status of

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the proposal for televising of Police Commissioners meetings. Mayor Hollister responded that they have spent a number of hours on this issue and are trying to address everyone's concerns so that the public has confidence in the board.

Councilmember asked the Mayor to outline what existing process is in place for filing a complaint to the board for the two young men who spoke about an incident of harassment earlier tonight. He requested that a report of the steps in the complaint process be reviewed. Mayor Hollister answered that this is the issue that most of the time was spent on at the last meeting. He stated that he will follow up on the incident involving these two young men personally and will get a formal report of the complaint process to Council by the first week in November.

Councilmember Allen stated her empathy with the March participants and their frustration with the system. Solutions to these problems seem to come very slowly, however, she was impressed with the Board of Police Commissioners. They are average laymen who have offered to do a job. They are concerned about these issues and processes also.

Councilmember Leeman stated that he wants it clear to participants of both the meetings and the March for Justice, that the Bell incident is not a Lansing issue. It occurred in Lansing Township, and therefore, is not in front of this body.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. City of Lansing Financial Statements for FY Ended June 30, 1996 and Auditors Report

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

C. Letters from the Mayor re:

1/ Information regarding the Parks & Recreation Department Proposal for the Acquisition of Property

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2/ Acceptance of Easements for Extension of the River Trail from Moores Park to Elm St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3/ Grant Acceptance: Parks & Recreation

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Transfer of Funds: C&CS, LPD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ 1996 Wonderland of Lights Admission Fees

REFERRED TO THE COMMITTEE ON WAYS AND MEANS 6/ Statement regarding Charges Against Former Fire Department Officials and Subsequent Requests for Reimbursement of Attorney's Fees

REFERRED TO THE CITY ATTORNEY

7/ Letter of Appreciation from Jeane Ann & LeRoy Cardwell of LeRoy's Classic Bar & Grill to Lansing Fire Department

RECEIVED AND PLACED ON FILE

8/ Letter of Appreciation from J. Mark Sullivan of Community Coordinated Child Care for the City's Assistance with the Michigan Stand for Children

RECEIVED AND PLACED ON FILE

9/ Letter from the Michigan Municipal League soliciting volunteers for appointment to their Policy Committees

REFERRED TO THE COMMITTEE OF THE WHOLE

10/ Delinquent 1995 Stormwater Enterprise Fees

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

11/ Frances Park, Parking Lot Improvements

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COMMITTEE REPORTS

RESOLUTION #474
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred rezoning petition Z-9-96, 200-202 East Grand River Avenue, to be rezoned from F-1 Commercial District to G-1 Business District,

REPORTS AS FOLLOWS: The Committee recommends that the rezoning be approved as filed, and that the Z-9-96 ordinance be adopted.

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Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #475
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred a memo from the Planning Manager regarding use of Board of Water and Light/City funds in escrow,

REPORTS AS FOLLOWS: The Committee initiated a policy earlier in 1996 on how sale proceeds of BWL property sales might be best used. The Planning Manager has proposed the use of $30,000.00, now in escrow from the sale of BWL property on South Pennsylvania, for two projects. One is implementation of a geographic information system (GIS) of mutual benefit to the City and the BWL. The other is development of the Central Area Comprehensive Master Plan. The Planning Manager's letter is hereby referred to the Committee on Ways and Means for further discussion and a recommendation for Council action.

Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #476
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, for many years, Lansing City Hall has housed four courtrooms and offices of the 30th Circuit Court judges, and has paid rent for more court space in the Towne Center Building at 333 South Capitol Avenue; and

WHEREAS, during several months of discussion, representatives of the City and Ingham County have discussed development of a Hall of Courts building in Lansing's downtown, considering several possible sites and a variety of funding scenarios; and

WHEREAS, the Committee on Development and Planning recommends that the Council pursue this matter as an equal partner with the County, to move the project beyond concept by negotiation of an agreement on design and subject to financing;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby amends the 1997-98 budget policy statement by expressing its intent to join with Ingham County for the purpose of building a new consolidated Circuit Court facility; and

BE IT FURTHER RESOLVED the Mayor is requested to meet with County representatives to negotiate an agreement covering building design and cost of financing, with the City responsible for up to 50 percent of the project's costs, for consideration for inclusion in the recommended FY 97-98 Budget in March 1997 or for submission to the voters as an unlimited tax, general obligation bond issue; and

BE IT FINALLY RESOLVED the Clerk is requested to forward a copy of this resolution to the Ingham County Board of Commissioner.

By Councilmember Lilly

To accept a substitute resolution for the original contained in the Packet and to place an affirmative roll on the substitute resolution

Carried unanimously

RESOLUTION #477
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Richard J. Baker, 1625 West Kalamazoo Street, to the Capital Region Airport Authority, replacing Roy Croop as a City representative, for a term to expire October 31, 2000; and

WHEREAS, the Committee on Intergovernmental Relations has interviewed the appointee, found him to be qualified to serve on this important intergovernmental board, and recommends confirmation of the Mayor's appointment;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Richard J. Baker as a City representative to the Capital Region Airport Authority, for a term to expire October 31, 2000.

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By Councilmember Bauer

Carried unanimously

RESOLUTION #478
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, retired Lansing public schools teacher John R. Fouts passed away on October 5, 1996, at the age of 78; and

WHEREAS, Mr. Fouts was founder and coordinator of The Greater Lansing United Nations Association Center, and served as GLUNA president during 1968-70; and

WHEREAS, from his travels through all 50 states and western Europe, Mexico, Canada, India, Nepal and the USSR, Mr. Fouts was a popular speaker at churches, clubs and schools, and he was awarded the East Lansing International Citizen Award in 1979; and

WHEREAS, Mr. Fouts and his wife Ann were actively involved in all of the United Nations Day Observances since their inception 11 years ago;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, on the occasion of UN Day 1996, hereby recognizes the many years of outstanding voluntary service to the Greater Lansing community, and his contributions to our understanding of our world, given freely by John R. Fouts; and

BE IT FURTHER RESOLVED the Members of Council express deepest sympathy to Ann Fouts and her family.

By Councilmember Beal

Carried unanimously

RESOLUTION #479
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing has observed United Nations Day with banquets, exhibits, and ceremonies for the past 11 years; and

WHEREAS, under the able leadership of Councilmember Tony Benavides, who served again as chair of the UN Day planning committee, we will celebrate the 51st anniversary of the United Nations with international booths and exhibits at Frandor Shopping Center on Saturday, October 26th, a dinner at the Kellogg Center on Monday, October 28th, featuring a presentation by UN Under Secretary-General Gillian Sorensen, and on Thursday, October 24th, a ceremony at City Hall featuring a keynote address by Ahmed M. Kathrada, Member of Parliament and Parliamentary Counselor to President Mandela;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby encourages the Citizens of Lansing to participate in the local observances of United Nations Day, and celebrate the 51st anniversary of this organization dedicated to peace throughout the world.

By Councilmember Beal

Carried unanimously

RESOLUTION #480
BY COUNCILMEMBER LEEMAN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the El-Hajj Malik El-Shabazz Academy Public Charter School will hold an open house celebration on October 24, 1996, at the academy to introduce the new Board of Directors; and

WHEREAS, the Board, consisting of President Andrew Jackson, Vice President Janice Berry, Secretary Michael Washington, Treasurer Dr. John T. Wulu, and Interim Board Member Dr. Willie Davis, have worked diligently to ensure the opening of the school for the 1996-97 academic school year; and

WHEREAS, Chief Administrator Dr. Ruby L. Helton has requested a resolution to be presented at the celebration;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby congratulates the Board of Directors of the El-Hajj Malik ElShabazz Academy on a successful start of the new school year; and

BE IT FURTHER RESOLVED the Council wishes the students, parents and staff of the Academy continued success in their endeavors.

By Councilmember Leeman

Carried unanimously

RESOLUTION #481
BY THE COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles

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WHICH ARE DEEMED SURPLUS BY THE LANSING POLICE DEPARTMENT; AND

WHEREAS, BY SUBSEQUENT RESOLUTION THE CITY COUNCIL DEFINED THE PROCEDURE FOR DISPOSING OF THESE BICYCLES TO NON-PROFIT AGENCIES WITHIN THE CITY; AND

WHEREAS, THE CITY COUNCIL HAS RECEIVED REQUESTS FROM ADDITIONAL NON PROFIT AGENCIES, AND HAS ALSO RECEIVED LISTS FROM THE QUARTERMASTER UNIT IDENTIFYING SURPLUS BICYCLES; AND

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE DISTRIBUTION OF BICYCLES DEEMED SURPLUS BY THE QUARTERMASTER UNIT OF THE LANSING POLICE DEPARTMENT IN THE COMMUNICATION DATED OCTOBER 15, 1996, TO CAPITAL AREA COMMUNITY SERVICES;

BE IT FURTHER RESOLVED ANY BICYCLES FROM THIS LIST THAT ARE NOT PICKED UP BY THE ELIGIBLE NON-PROFIT AGENCIES BY OCTOBER 28, 1996, MAY BE DISPOSED OF BY THE QUARTERMASTER IN A MANNER CONSISTENT WITH STATE LAW AND THE CITY OF LANSING PURCHASING ORDINANCE.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN ITS ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING, OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1 246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-09-96, 200-202 E. GRAND RIVER AVE., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING; OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-09-96, 200-202 E. GRAND RIVER AVE., BE NOW PASSED

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

ORDINANCE #2401A

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT THE DISTRICT MAPS ADOPTED BY AND INCORPORATED AS SECTION 1246.02 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE AMENDED TO PROVIDE AS FOLLOWS:

TO CHANGE THE ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS FOLLOWS:

CASE NUMBER: Z-9-96, 200-202 E. GRAND RIVER AVENUE

PARCEL NUMBER: PPN 3301-09-402-001

LEGAL DESCRIPTION: COM 64.44 FT W OF NE COR LOT 2, TH S 80 FT, W TO GRAND RIVER, NLY ALONG E RIVER BANK TO E GRAND RIVER AVE., E TO BEG; SUB OF BLOCK 12, CITY OF LANSING, INGHAM COUNTY, MICHIGAN

FROM "F-1" COMMERCIAL DISTRICT TO "G-1" BUSINESS DISTRICT

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT THIRTY (30) DAYS FROM ITS PASSAGE UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

MARILYNN SLADE, CITY CLERK

CONSIDERATION OF LATE ITEMS

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1. From Councilmember Lilly; A letter from Planning Manager, Eleanor Love requesting that Council initiate a Rezoning for property located at 4720 S. Cedar St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2. From Councilmember Lilly; a letter from Planning Manager, Eleanor Love regarding the Purchase of Development Rights

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3. From Councilmember Lilly; a Substitute Resolution for the resolution on tonight's agenda as Item XIII A, Statement of Intent to Build a Consolidated Circuit Court Facility

HANDLED AS RESOLUTION #476

4. From Councilmember Allen; a letter from Dick & Helen Fiser of 12100 S. Cork Rd. in Morrice, MI protesting their Stormwater Enterprise Fund Fee

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

5. From Councilmember Benavides; a Resolution for the Distribution of Unclaimed Bikes

HANDLED AS RESOLUTION #481

6. From Councilmember Benavides; a letter from the Capital Area United Way regarding their Principal Shopping District Assessment

REFERRED TO THE MAYOR

7. From Councilmember Leeman; a Petition regarding the installation of Stop Signs at Lyman and N. Fairview

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

8. From Councilmember Leeman; a Petition from the Parents of Fairview School regarding the condition of their parking lot resulting from the CSO construction

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS AND THE COMMITTEE ON PUBLIC SERVICES

9. From Councilmember Leeman; a letter from the El-Hajj Malik El-Shabazz Academy requesting that they be allowed to address Council at this meeting

RECEIVED AND PLACED ON FILE

10. From Councilmember Leeman; a Resolution of Tribute to El-Hajj Malik El-Shabazz Academy

HANDLED AS RESOLUTION #480

PUBLIC COMMENTS

David Reed of P.O. Box 6885 E. Lansing stated that he is guaranteed freedom of speech and equal protection under the law by the Constitution of the United States and the Constitution of the State of Michigan.

Deborah Fredrick of 3728 Stoneleigh Dr. urged Councilmembers to carefully consider all of the economic factors involved in the GLAHA proposal for a domed ice skating rink at Washington Park. She objected to Councilmembers characterization of Hockey as a rich kids sport. She asked Council to reconsider the project and judge it on it's own merits. She advised Councilmembers to take the concerns expressed about the Board of Police Commissioners here tonight very carefully.

Patricia Curran of 415 McPherson spoke in support of City of Lansing Ballot Proposals 1 & 2, affirming the adoption of the Civil Rights Ordinance.

Elaine Womboldt, President and Founder of Learning Disabilities Families and Friends, said that they are hosting the 5K Walk/Run this Saturday from Potter Park. The LPD will be conducting the "Prints for Life" program for anyone who wants to get their children's fingerprints on record. McGruff the Crime Dog will be in attendance and there will be Clowns, children's activities and refreshments.

Tracy Hampton, no address given, criticized Councilmember Novak for his comments about the process for initiating a complaint with the Board of Police Commissioners. This Board, she said, does not have a clue, they do not have any idea as to the extent of their own powers. The flow chart, depicting the chain of command for filing complaints, that was supplied to them by Chief Boles does not solve anything. She criticized Councilmember Leeman for his comments about the jurisdiction in the death of Mr. Bell. They are well aware of who has jurisdiction in this case.

Reverend Lester Stone, Pastor of Friendship Baptist Church, said that he is concerned about the attempt by the Mayor and Councilmembers to rush to a "quick fix" with regard to the two young men who described an incident of harassment on September 14th of this year. Many other stories and problems have been brought to light in these chambers that are just

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as important and significant as the incident with these two boys. They Mayor and Councilmembers have not rushed to do anything for the others involved. The Board of Police Commissioners, he said, cannot be representative of the community because it's charter does not allow it to be, nor does it's past practices allow it to be.

Tim Lewis of 500 S. Pine said that there is an opening for an appointment to the Rail Council. Applications can be submitted to the Mayor's Office. Councilmember Jones corrected Mr. Lewis's statement. Appointments to the Rail Council are made by the Council President and applications for appointment should be submitted to him. Mr. Lewis expressed his condolences to the family of Paul Scott. He urged the people who are here stating their complaints tonight to make arrangements to participate in the "Ride Along" program.

Lloyd Teets of 116 E. Elm St. said that he does not like criticisms of Citizens Boards because they are made up of volunteers, however, he agrees with Reverend Stone's comments about the Board of Police Commissioners. In his experience there is not a board in existence that is willing to "rock the boat". He told anyone interested in signing one of his letters advocating a commodities based sewer rate methodology to please call him. He predicted that it will take a Charter Amendment for the people to get justice in the sewer rate issue.

Robert Bennett of 222 W. Saginaw commended the Administration on the success of the North Side Network Center. Great things are happening with this program.

Darnell Oldham of 3815 Berwick agreed with Reverend Stone's comments about the Board of Police Commissioners. He objected to the vernacular used by Councilmember Leeman when he referred to the March for Justice participants as "they". He informed Councilmember Leeman that he has a bad attitude, as does Council President Jones. He criticized Mayor Hollister for not staying though the entire meeting to hear the comments of the public. They are aware of the difference between Lansing and Lansing Township and they know who killed whom.

Lee Taylor of P.O. Box 2004 said that she is a fully employed person who volunteers her time to the community. Additionally, she then comes up to City Council meetings and gets lip service and bull stink.

Geraldine Parks of 2428 Reo Rd. stated a complaint about the pedestrian cross walk light at Holmes and Pleasant Grove. She requested Council to follow up with the Traffic Department. She has personally reported this problem to that department three times within the last few weeks.

Angela Matthews of 723 W. Shiawassee asked Councilmembers how many of them had viewed the "Swan tape" and how many have viewed any material regarding the Bell case in Lansing Township.

Richard Collins of 225 Moores River Dr. stated that he is here to defend City Council. He has been watching the meetings and listening to several people come down and attack Council President Jones and Councilmembers. The membership of this Council is the best the City has had in thirty years. He is not attempting to minimize the concerns of the black community, but when they attack Council, they are attacking the best friends they have in City Hall.

Bill Skeeba of 204 Horton spoke regarding the malicious destruction of yard signs that he had posted on his property. Proposals 1&2 are dividing this city because City Councilmembers haven given in to the intimidator on the other side of this issue. This is not about civil rights, it is about those people who see themselves above the law trying to punish others who choose to use freedom of speech.

COUNCILMEMBERS COMMENTS

Councilmember Lilly responded to Mr. Skeeba's comments, saying, that 80% of the destruction of yard signs is done by juveniles running through the neighborhoods and ripping them up. It is a mistake to jump to the conclusion that the other side of this issue are the ones destroying the signs. Regarding the request that Council not initiate any action on the racial issue until the Administration has completed it's negotiations with March organizers. There seems to be a lot of different problems with the Police Department right now. There are not very many people who are satisfied with the Department at this time. It may take a Charter Amendment to revise things in the Police Department. It may be time for a Charter Revision anyway, since it has not been done in 20 years. Just because Councilmembers sit at the dias and listen without immediately responding, it does not mean that they are not concerned or that they are not collecting information and trying to do what they are elected to do. He announced the regularly scheduled meeting of the Development and Planning Committee this Thursday at 11:30 A.M.

Councilmember Beal said that Council took a lot of interest in the Swan issue. This is not the first death that has occurred in the City jail. The last case was a white man who died because

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he drank anti-freeze. The City paid out over $1,000,000 in the death of this person. They are part time Councilmembers who have full time jobs. They are in a position, in cases like this, in which the Attorney advises them not to comment because the case is in court. They cannot comment. This issue is one of many that is in front of them and they are part time. She clarified the GLAHA issue. They are not talking about putting a dome over the existing ice rink. They are talking about installing another ice sheet and putting a dome over that. Council just got the most recent draft of this agreement last Thursday and they are looking into it. This will be on the agenda of the Ways and Means Committee for this week. They hope to reach a favorable resolution and report it out to the Committee of the Whole for this Thursday. She stated that the group called "Citizens for Fair Sewer Rates" is being paid by a Public Relations Group. A sewer rate increase was included in the budget this year. Fall tree color in the City is spectacular and she urged everyone to get out and observe it.

Councilmember Bauer announced the regularly scheduled meeting of the Intergovernmental Relations Committee this Thursday at 8:00 A.M. She reported that this Tuesday the School District is hosting a joint meeting at 4:30 P.M. The District Library issue came to the City in February of this year. The City, County and School District have all pledged up to $15,000 for a study on the best way to fund the Library. Requests for Proposals have been sent out and are due back by October 25th. A consultant will be selected and there is a January 15th deadline on the decision as to how to proceed. They will present the recommendation to the Council as soon as they get it so it can go on the ballot in June. She urged participation in the "Make a Difference for Learning Disabilities 5K Walk/Run this Saturday. She sent best wishes to Channel 28 Director, Karen Schmidt. This week is Public Power Week and she outlined activities to take place at the Board of Water & Light. Interested parties can call the Board for more information. She urged everyone to get out and tour the riverwalk.

Councilmember Allen spoke regarding her unfortunate use of words at a recent GLAHA meeting. She is not opposed to the proposal for a dome at Washington Park, however there are a lot of things being funded by the Parks Millage and Council has to be careful to pick the best things for everyone in the City. She announced that this is Breast Cancer Awareness Month and she urged everyone to promote early detection by getting checkups.

Councilmember Leeman announced that the Eastside Neighborhood Organization is hosting a candidates night tomorrow at 6:30 P.M. County elected officials will be present. The United Nations Day Celebration will begin at 10:00 A.M. on Thursday in the City Hall Plaza. There will be a program following the Flag Raising in Council Chambers.

Council President Jones announced that Channel 28 will replay the League of Women Voters debate on City of Lansing Proposals 1&2. He thanked Mike Swanson for filling in for Karen Schmidt and for doing a good job. He thanked Thelma Osteen of the North Lansing Community Association for the dinner following the memorial service for Paul Scott.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener urged a continuing open dialogue with the March for Justice participants. This is a very important remedy for people who are feeling frustration and anger.

He announced that voter guides are available that detail the candidates and the issues of the November 5th Presidential Election. They were prepared by the City Clerk and are an excellent tool.

ADJOURNED 10:00 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS OCTOBER 28, 1996

AS CORRECTED ON NOVEMBER 18, 1996

CITY COUNCIL CHAMBERS
LANSING, MICHIGAN

THE CITY COUNCIL OF THE CITY OF LANSING MET IN REGULAR SESSION AND WAS CALLED TO ORDER AT 7:00 P.M. BY PRESIDENT JONES

PRESENT: COUNCILMEMBERS COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

ABSENT: NONE

THE INVOCATION WAS OBSERVED AS A MOMENT OF SILENCE AND THE PLEDGE OF ALLEGIANCE WAS LED BY COUNCIL PRESIDENT JONES.

CONSIDERATION OF LATE ITEMS

BY COUNCILMEMBER BENAVIDES

TO ACCEPT THE FOLLOWING UNDER SUSPENSION OF THE RULES:

1. FROM COUNCILMEMBER BENAVIDES; A LETTER FROM REVEREND LESTER STONE REGARDING THE MARCH FOR JUSTICE

2. FROM COUNCILMEMBER LILLY; PETITIONS SIGNED BY 56 PASTORS IN THE CITY IN OPPOSITION TO THE CIVIL RIGHTS ORDINANCES

3. FROM COUNCILMEMBER BEAL; A RESOLUTION FOR TRANSFER OF FUNDS

4. FROM COUNCILMEMBER BEAL; A SUBSTITUTE RESOLUTION FOR THE RESOLUTION ORIGINALLY CONTAINED IN TONIGHT'S PACKET APPROVING AN AGREEMENT BETWEEN THE CITY OF LANSING AND THE GREATER LANSING AMATEUR HOCKEY ASSOCIATION FOR A DOMED ICE SKATING RINK AT WASHINGTON PARK

5. FROM COUNCILMEMBER BEAL; A RESOLUTION OF TRIBUTE TO PHILLIP HASSLER, BOARD OF WATER & LIGHT COMMISSIONER

6. FROM COUNCILMEMBER BEAL; A RESOLUTION OF TRIBUTE TO EVA EVANS, BOARD OF WATER & LIGHT COMMISSIONER

7. FROM COUNCILMEMBER BEAL; A LETTER FROM DAVE WIENER REGARDING THE DEADLINE FOR CERTIFICATION OF DELINQUENT STORMWATER ENTERPRISE FUND FEES

8. FROM COUNCILMEMBER ALLEN; A RESOLUTION ISSUING A POLICY STATEMENT FOR STUDENT GOVERNMENT DAYS

9. FROM COUNCILMEMBER NOVAK; A LETTER FROM LOCAL AREA PASTORS IN SUPPORT OF THE CIVIL RIGHTS ORDINANCE

10. FROM COUNCILMEMBER LEEMAN; A LETTER FROM MAYOR HOLLISTER REGARDING THE AVAILABILITY OF SRF LOANS THROUGH THE STATE OF MICHIGAN FOR THE CSO PROJECT

11. FROM COUNCILMEMBER BEAL; A RESOLUTION FOR TRANSFER OF FUNDS

PUBLIC HEARING

A. IN CONSIDERATION OF Z-11-96, PART OF 800 E. ST. JOSEPH, PETITION FOR REZONING FROM "E-1" APARTMENT SHOP & "C" RESIDENTIAL TO "H" LIGHT INDUSTRIAL DISTRICT FILED BY PETE DELUCA, NO SPECIFIC PROPOSAL HAS BEEN MADE FOR USE OF THE PROPERTY AT THIS TIME

PETER DELUCA 800 E. ST. JOSEPH URGED COUNCIL TO APPROVE HIS PETITION FOR REZONING OF THIS PROPERTY. HE ASSURED COUNCIL THAT THERE ARE NO OBJECTIONS FROM HIS NEIGHBORS TO THIS REZONING. THE ONLY OBJECTION HE KNOWS OF IS FROM ONE OF THE MEMBERS OF THE ZONING BOARD. JIM RUFF, SEEMS TO HAVE A CONCERN OVER THIS REZONING.

MARIA HERNANDES OF 6960 RICHARD RD. STATED THAT SHE OWNS D & R TRANSMISSIONS. SHE URGED SUPPORT OF THIS REZONING PETITION.

DAVID JONES OF 1028 RAIDER SAID THAT HE HAS NO OBJECTIONS TO THIS REZONING.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. IN CONSIDERATION OF Z-12-96, 617 W. IONIA, PETITION FOR REZONING FROM "DM-4" RESIDENTIAL TO "D-2" RESIDENTIAL DISTRICT FILED BY MICHIGAN RETAILERS ASSN. TO ALLOW FOR USE OF THE STRUCTURE FOR LOW DENSITY OFFICE SPACE

THERE WERE NO SPEAKERS FOR THIS PUBLIC HEARING.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

THE FOLLOWING MEMBERS OF THE PUBLIC APPEARED AND SPOKE IN SUPPORT OF THE TAX ABATEMENT FOR THE GENERAL MOTORS VERLINDEN ST. FACILITY:

GARY BERNATH 7677 ST. CLAIR RD., ELSIE, PAUL C. PRATT, INGHAM COUNTY COMMISSIONER, BERNIE SINCLAIR 4906 ALPHA, RALPH SHEPARD 12916 GEORGIA AVE., EDWARD DONOVAN 3044 W. GRAND BLVD. DETROIT, KARL

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Koenigsknecht 920 Townsend, Irene Kazieczko 1213 W. Shiawassee

Bernie Bierschback 3933 Moonlight, Holt, Ed Carpenter 119 S. Larch, Darrick Quinney 2010 ?Wellesley Dr., Mark Eggleston 4001 Heathgate, Joeseph Manson 1700 Nottingham.

And the following members of the public appeared and spoke in opposition to the General Motors Tax Abatement for their Verlinden St. Facility, unless the abatement is tie-barred to the resolution of the odor emissions at the plant.

Deborah Mulcahey 1200 S. Genesee, Peter Ollila 1200 S. Genesee, Ron Callen 501 McPherson, Eric Welch, Band Director for Catholic Central, Carol Rall 1608 W. Shiawassee, Chris DeRose 1561 N. Genesee, Rick Gamber 1213 W. Shiawassee, Richard Baker 1625 W. Kalamazoo, Frank Curtis, "X", no address given, Carol Wood 1018 W. Lapeer, Lloyd Teets 116 E. Elm St., Gene Mellon 609 West St., Phil Ballbach 312 Leslie

COMMUNICATIONS AND PETITIONS

By Councilmember Allen -

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letters in support of a change in sewer rate methodology to a commodities based rate from: Edward Simmer 2609 Dier, Theodore & Betty Kost, Sr. 1425 McIntyre Crt.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

B. SLU-09-96, 925 Stanley St., Special Land Use Petition filed by AirTouch Cellular of 3300 Wood St. to allow for construction of a 150' Cellular Monopole with 5' Antennas

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Letter of thanks from the Tri-County Office on Aging for the use of the Southside Community Center

RECEIVED AND PLACED ON FILE

D. Assessment from the Ingham County Drain Commissioner

REFERRED TO THE MAYOR

E. Letter from the Ingham County Clerk submitting 1996 Tax Rate Request

REFERRED TO THE MAYOR

F. Stormwater Enterprise Fund fee appeals from: Bete Hammond 2220 Raymond Dr., Laurance & Marika Hewer 119 Garden St., Terry Caillouette 1725 Fidelity, James & Suzanne Sturdevant 1823 Briarwood, Michael J. Panetta 719 N. Magnolia, Harold & Arlene Link 3215 Wilson Ave., Jeffrey & Julia Baker 2430 Wabash Rd., Margaret Herp 906 Stanley St., Eyde Properties at 0000 Picardy St/4806 S. Logan/5015 S. Cedar/2127 Desoto Dr./0000 Sheridan St./333 a Fr. Penn Central-Larch St./N. East St./KC/Lot 27 Riley Subdivision/1900 South Cedar St/0000 W. Holmes Rd./0000 W. Holmes Rd./0000W. Holmes Rd./3525 S. M.L. King Blvd./3616 S. M.L. King Blvd./913 W. Holmes/921 W. Holmes/4000 Collins Rd./0000 Collins Rd./400 Clifford Rd./701 South St, Mr. & Mrs. Douglas C. Wiley E. Cavanaugh Rd. Properties, Rex Helmes 6212 Kenbrook Rd. & 0000 Kenbrook Rd., Michigan State University for properties located 0000 Collins Rd./0000 Forest Rd./0000 E. Cavanaugh Rd/ and two parcels with no street frontage, Robert T. Earls 1813 E. Willard Ave.

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister urged Councilmembers to support the General Motors tax abatement. General Motors, he said, demonstrates the will to try to correct the odor problem on the west side. They have invested over $6,000,000 in the last 6 years to try to find the right way to correct the problem. He supports Councilmember Lilly's resolution wihich contains a provision to establish a committee to monitor the progress of this project on a regular basis. It is important to honor the collaboration the City has had with General Motors over the years. There are 16,000,000 jobs at stake.

Council President Jones said that the Lindell Drop Forge property is in worse condition today than it was three years ago. He hopes the new owners are planning to clean it up.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

REFERRALS: Class C Request to Add Dance Permit; Nuthouse

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

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RECEIVED AND PLACED ON FILE

C. Affidavit of Disclosure of Potential Conflict of Interest filed by Councilmember Paul Novak

REFERRED TO THE BOARD OF ETHICS

D. Letters from the Mayor re:

1/ Letter of Appreciation from Holy Cross School to the Lansing Fire Department

RECEIVED AND PLACED ON FILE

2/ Letter of support for the Team Policing concept from Helen LeBlanc of the River Forest Neighborhood Assn.

RECEIVED AND PLACED ON FILE

3/ Resignation of Geneva Smith from the Traffic Board

RECEIVED AND PLACED ON FILE

4/ Transfer of Funds: Planning & Neighborhood Development, Human Relations & Community Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5/ Industrial Facilities Exemption Certificate for Demmer Corporation

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6/ Request for Community Use Funds for the College/Career Fair '96

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

7/ Request for Community Use Funds for the Greater Lansing Holiday Commission

REFERRED TO THE PRINCIPAL SHOPPING DISTRICT COMMITTEE

8/ Request for Community Use Funds for the FestEve Event

REFERRED TO THE PRINCIPAL SHOPPING DISTRICT COMMITTEE

9/ SLU-03-96, 1149 S. Washington Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

10/ SLU-07-96, 3700 S. Waverly Rd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

11/ Request for Certification of all Delinquent Stormwater Enterprise Fund Fees on or before November 8, 1996

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

12/ Mutual Aid Agreement with E. Lansing

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

13/ Grant Acceptance; Community Oriented Policing Services/Domestic Assault Counseling Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

14/ "Light The City" Campaign Donations by Estes-Leadley Funeral Home

RECEIVED AND PLACED ON FILE

15/ Letter from Russell J. Harding of the State of Michigan Department of Environmental Quality regarding the General Motors Request for Tax Abatement

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #482
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred a verbal report from the Director of Planning and Neighborhood Development on progress of the Jonna Project,

REPORTS AS FOLLOWS: The Committee learned that the Administration and the company have agreed on a concept for development of the subject parcel, currently a surface parking lot bounded by North Capitol, West Shiawassee, and Seymour. The Administration has recommended moving forward with the project and the Committee concurs. No Council action is necessary at this time, but the Council will need to approve the project at the time of transfer of the property from the City to the developer.

Signed: Richard J. Lilly, Chair
Paul Novak
Sandy Allen

BY COUNCILMEMBER LILLY:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #483
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred a petition addressed to the Lansing School

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District and the City Council requesting immediate action to solve serious traffic flow problems on the streets surrounding Fairview Elementary School,

REPORTS AS FOLLOWS: The petition notes that contractors working on the CSO project used the schools parking lot as a staging area. The lot is now claimed to be largely unusable, creating traffic problems. The Committee hereby refers the traffic matter to the Mayor and the Traffic Board for prompt investigation and action, if an emergency exists per Section 2.27 of the Traffic Code. The Committee requests a report back from the Mayor as soon as possible. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

Carried unanimously

RESOLUTION #484
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred a proposed ordinance to amend Chapter 1063 of the City Code (Garbage and Rubbish Collection, Disposal and Recycling) for the purpose of creating a refuse cart program as a supplement, optional to residents, to the Green City refuse bag program,

REPORTS AS FOLLOWS: The refuse cart program begins as a pilot, offered only to East side residents during an evaluation period. The Committee determined that the proposed ordinance need only be adopted if the program is created permanently on a citywide basis. Until such decision is made, the Committee will retain the ordinance in its pending file. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #485
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SERVICES, to whom was referred a proposed resolution to grant Detention Credits under the provisions of Chapter 1043, which established the Stormwater Enterprise Fund,

REPORTS AS FOLLOWS: The resolution is on tonight's agenda for action, as recommended by this Committee. As background, the Committee forwards a memo from Stormwater Engineer Chad Gamble (attached) explaining the criteria that will be used by the Public Service Department to grant the credits. This report is for information only, and no Council action is required at this time.

Signed: Harold Leeman, Chairperson
Rick Lilly
Tony Benavides

BY COUNCILMEMBER LEEMAN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

CITY of LANSING
INTEROFFICE COMMUNICATION

TO: Harold Leeman, Chairperson - Public Service Committee
FROM: Chad A. Gamble, Stormwater Engineer
DATE: October 16, 1996

At the October 9, 1996 Public Service Committee meeting, a Stormwater Enterprise Fund Detention Credit Resolution was referred to the Public Service Committee, by the City Council, for consideration. Questions arose as to the City's Best Management Practices (BMP's) which will be used by the Department of Public Services to grant the credits. In response to this question I offer the following:

The Department of Public Service will accept applications for detention credits from property owners of industrial and commercial properties who have installed a City approved detention system. Each individual application will be reviewed for its compliance to quantitative and qualitative BMP's.

The Quantitative BMP's followed by the City is shown in the attached Runoff Detention form which is currently used by the Department to calculate the maximum runoff that can be discharged to the City system. A hydraulic analysis is also performed when the formation of a pressure system is probable.

The Qualitative BMP's which the City will use are those which will control sediment, oils, floatables, and other contaminants from entering the storm sewer system. The physical control measures required for each site will be determined on a case-by-case review by the Department of Public Service. Some of the physical control measures used to control the quality of the stormwater discharge to the system include but are not limited to; oil separators, stand pipe orifices, sediment trap orifices and vegetative filtering.

The control requirements for every site will not necessarily be the same. The Department of Public Service will use best engineering judgement to evaluate properties on a case-by-case basis to determine the controls necessary to best deal with the qualitative and quantitative discharge to the City's stormwater system.

cc: Lenora K. Jadun, Director
Bob Clegg, City Engineer

RUNOFF DETENTION

CITY OF LANSING
DEPARTMENT OF PUBLIC SERVICE

SITE LOCATION

(A) DRAINAGE AREA = _____Ac (B) MAXIMUM ALLOWABLE DISCHARGE = _____CFS
IMPERVIOUS AREA = _____Ac Existing "C" = _____
PERVIOUS AREA = _____Ac (H) POND SIZE REQUIRED = _____CFT

DURATION	(C) RAINFALL INTENSITY 30-YEAR STORM (in/hr)	(D) AVE COEF	(E) 30-YEAR RUNOFF (CFT)	(F) PERMITTED OUTFLOW (CFT)	(G) REQUIRED STORAGE (CFT)
10 MIN	0.17 * 7.15 = 1.19				
20 MIN	0.33 * 5.05 = 1.66				
30 MIN	0.50 * 3.96 = 1.98				
40 MIN	0.67 * 3.28 = 2.19				
50 MIN	0.83 * 2.82 = 2.35				
60 MIN	1.00 * 2.48 = 2.48				
70 MIN	1.17 * 2.22 = 2.59				
80 MIN	1.33 * 2.09 = 2.69				
90 MIN	1.50 * 1.86 = 2.77				
100 MIN	1.67 * 1.71 = 2.85				
110 MIN	1.83 * 1.69 = 2.92				
120 MIN	2.00 * 1.49 = 2.98				
24 HRS	24.00 * 0.21 = 5.02				

INSTRUCTIONS

A) DRAINAGE AREAS shall be calculated in acres and divided into impervious and pervious areas.

B) MAXIMUM ALLOWABLE DISCHARGE (Q) (CFS) shall be for a 10 yr storm -- 30 min. duration
Q = C I A
I = 2.48 Inches/Hour
A = Drainage area in acres
C = 0.40 for Previously Residential areas
C = 0.15 for Previously Undeveloped areas
C = 0.00 for Non-Storm sewer areas
or C = Design Value for storm system

C) Inches of rainfall, given for a 30 year storm, source: Camp, Dresser & McKee, Inc., December 1988 (I = 78.8/(t + 8.62)^0.811)

D) AVERAGE COEFFICIENT for runoff, used for all durations, is calculated by the weighted average of pervious and impervious areas, using a pervious coefficient of 0.15 and an impervious coefficient of 0.90
(ie: AVE COEF = (IMPERVIOUS AREA * 0.90) + (PERVIOUS AREA * 0.15)/DRAINAGE AREA

E) Runoff: multiply the total drainage area by the average coefficient then by inches of rainfall converted into feet, then by 43,560 to convert acres into square feet, result will be in cubic feet.
(ie: RUNOFF = DRAIN AREA * AVE COEF * (RAINFALL/12) * 43,560 SFT/ACRE

F) Permitted Outflow: multiply maximum allowable outlow by time in hours, then by 3600
(ie: PERMITTED OUTFLOW = MAXIMUM ALLOWABLE DISCHARGE(CFT/SEC) * TIME(HR) * 3600(SEC/HR))

G) REQUIRED STORAGE: Subtract PERMITTED OUTFLOW from 30-YEAR RUNOFF. Storage volume will increase to a peak volume and then decrease.

H) The POND SIZE REQUIRED is the peak volume from REQUIRED STORAGE (column G).

072993

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RESOLUTIONS

RESOLUTION #486
BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has recommended the appointment of Paula D. Cunningham to the Economic Development Corporation and the Tax Increment Finance Authority Board of Directors, replacing M. Valeriana Moeller;

NOW, THEREFORE BE IT RESOLVED that the appointment of Paula D. Cunningham is hereby confirmed as recommended by the Mayor. Term to expire in February, 1998.

By Councilmember Allen

Carried unanimously

RESOLUTION #487
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Committee on General Services has reviewed a request for payment of Lansing Center costs from Councilmember Allen for three Student Government Days, to be held November 13, November 20, and December 4, 1996; and

WHEREAS, the Committee has recommended that funds in the amount of $940.00 be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a charge in the amount of $940.00 to account #101173901-741200-0 for Lansing Center costs of three Student Government Days, to be held November 13, November 20, and December 4, 1996.

By Councilmember Allen

Carried unanimously

RESOLUTION #488
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, RIJA, Inc. (Stockholders: James R. Fata, 428 Orchard, East Lansing, and Richard A. Fata, 4334 Mar Moor, Lansing), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1992 Class C licensed business, located in escrow at 307 South Grand Avenue, from Lucky Mac, Inc., and to transfer location to 3139 East Grand River Avenue; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from RIJA, Inc., to transfer ownership of a 1992 Class C licensed business, located in escrow at 307 South Grand Avenue, from Lucky Mac, Inc., and to transfer location to 3139 East Grand River Avenue, is hereby recommended for approval.

By Councilmember Allen

Carried unanimously

RESOLUTION #489
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, JJF, Inc. (Stockholder: James J. Farhat, 521 E. Saginaw, Lansing), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1996 Class C licensed business with Dance Permit and Entertainment Permit, located at 1825 North Grand River Avenue, from Genuine Italian, Inc.; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from JJF, Inc., to transfer ownership of a 1996 Class C licensed business with Dance Permit and Entertainment Permit, located at 1825 North Grand River Avenue, from Genuine Italian, Inc., is hereby recommended for approval.

By Councilmember Allen

Carried unanimously

RESOLUTION #490
BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE LANSING CITY COUNCIL
RESOLUTION APPROVING PROJECT AREA,
ESTABLISHING PROJECT DISTRICT AREA, CONFIRMING
APPOINTMENT OF
ADDITIONAL DIRECTORS TO THE
BOARD OF DIRECTORS OF THE ISSUER

(Quality Dairy Co. Project)

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WHEREAS, the Economic Development Corporations Act, Act No. 338, Public Acts of Michigan, 1974, as amended (the "Act"), recognizes that there exists in the State of Michigan (the "State") the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industries and commercial enterprises, to encourage and assist the location and expansion of such enterprises to provide needed services and facilities to the City of Lansing (the "City") and its residents, to promote the forestry and agricultural sectors of the State's economy, and to encourage the development of facilities designed to produce energy from renewable sources; and

WHEREAS, the Act provides a means by which these needs may be addressed; and

WHEREAS, Quality Dairy Co., a Michigan corporation (the "Applicant"), has proposed a project (the "Project") to The Economic Development Corporation of the City of Lansing (the "Issuer") which would assist in the alleviation of the aforementioned conditions; and

WHEREAS, the Issuer, in conformity with the Act, has designated a Project Area and Project District Area for its Project to this Council for its approval thereof.

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNCIL OF THE CITY OF LANSING, AS FOLLOWS:

1. The following Project Area, as designated by the Issuer, is hereby certified as approved:

See Exhibit A.

2. The territory surrounding said designated Project Area will not be significantly affected by the Project and, therefore, a Project District Area having the same description as the Project Area herein certified as approved is hereby established.

3. Pursuant to Section 20 of the Act, a Project Citizens District Council is not required for the Project and therefore, such a Council shall not be formed.

4. This Council hereby advises and consents to the appointments by the Mayor of the City of Jan Hayhow and Ed Carpenter as additional directors to the Board of Directors of the Issuer, pursuant to Section 4(2) of the Act, said persons being representative of neighborhood residents and business interests likely to be affected by the Project.

5. The City Clerk is also hereby requested to forward three (3) certified copies of this Resolution to the Secretary of the Issuer.

6. All resolutions or parts thereof in conflict with this resolution are hereby repealed but only to the extent of such conflict.

By Councilmember Lilly

Carried unanimously

EXHIBIT A
Project Area and
Project District Area Description

Land in the City of Lansing, Ingham county, Michigan described as:

Lot 6, of the R.E. Olds Plat, City of Lansing, Ingham county, Michigan, as recorded in Liber 48 of Plats, Page 35, 36 and 37, containing 5.289 acres.

RESOLUTION #491

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously established a Lansing Plant Rehabilitation District (IPR-7-91) on September 30, 1991, on property commonly known as 705 E. Oakland Avenue, Lansing, Michigan, more fully described on Exhibit A, attached; and

WHEREAS, Demmer Corporation has applied for an Industrial Facilities Exemption Certificate for the equipping of the facility within said established district; and

WHEREAS, a public hearing was held on October 21, 1996 on Demmer Corporation's application for an Industrial Facilities Exemption Certificate (IFT-3-96), and all parties had an opportunity to be heard; and

WHEREAS, Demmer Corporation has substantially met all the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

WHEREAS, this Council finds that the granting of the Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem taxes in the City of Lansing.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Lansing hereby approves the application from Demmer Corporation for an Industrial Facilities Exemption Certificate (IFT-3-96) to remain in effect for a period of twelve (12) years and subject to the execution of a written agreement by no later than October 30, 1996 between Demmer Corporation and

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THE CITY OF LANSING (AS ATTACHED EXHIBIT B) AS REQUIRED BY PUBLIC ACT 198 AS AMENDED.

BE IT FINALLY RESOLVED, THAT THE MAYOR, ON BEHALF OF THE CITY, IS AUTHORIZED TO EXECUTE THE AFORESTATED AGREEMENT, SUBJECT TO PRIOR APPROVAL THEREOF AS TO FORM BY THE CITY ATTORNEY.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

EXHIBIT "B"

AGREEMENT IN CONSIDERATION OF
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE

THIS AGREEMENT IS MADE AND ENTERED THIS _____ DAY OF OCTOBER, 1996, BY AND BETWEEN THE CITY OF LANSING (CITY) AND DEMMER CORPORATION (APPLICANT);

WITNESSETH:

WHEREAS, ACT 198, P.A. OF 1974, AS AMENDED REQUIRES, AS A CONDITION OF APPROVAL OF NEW INDUSTRIAL EXEMPTION CERTIFICATES, AFTER APRIL 1, 1994, THAT A WRITTEN AGREEMENT BE ENTERED INTO BY THE LOCAL GOVERNMENTAL UNIT AND THE OWNER/LESSEE OF THE INDUSTRIAL FACILITY; AND

WHEREAS, THE APPLICANT, IN SEEKING LOCAL LEGISLATIVE APPROVAL, HAS MADE CERTAIN REPRESENTATIONS TO THE CITY AS MORE FULLY SET FORTH BELOW; AND

WHEREAS, THE CITY HAS RELIED UPON THESE REPRESENTATIONS IN ITS DETERMINATION THAT THE APPLICATION SHOULD BE APPROVED;

NOW THEREFORE BE IT RESOLVED, PURSUANT TO § 22 OF ACT 198, P.A. OF 1974 AS AMENDED, THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. CONDITIONAL APPROVAL OF INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE.

THAT THE APPLICANT'S APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION IS APPROVED FOR A TERM OF TWELVE (12) YEARS, SUBJECT TO THE APPROVAL AND ISSUANCE OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE BY THE STATE TAX COMMISSION, AND THE TERMS OF THIS AGREEMENT.

2. APPLICANT'S REPRESENTATIONS.

THAT THE REPRESENTATIONS UPON WHICH THE CITY RELIES ARE:

A. APPLICANT'S EXPECTATION OF THIRTY (30) NEW JOBS (FULL TIME PERMANENT), IF NOT ADDED WITHIN THE SIX (6) MONTHS PRECEDING THE FILING OF APPLICANT'S APPLICATION, OR SUBSEQUENT HERETO, TO BE ADDED NOT LATER THAN TWO (2) YEARS AFTER THE DATE OF THE ISSUANCE OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE BY THE STATE TAX COMMISSION (SEE §12B OF APPLICATION);

B. APPLICANT'S ESTIMATE OF MACHINERY AND EQUIPMENT EXPENDITURES OF THREE MILLION DOLLARS ($ 3,000,000), IF NOT ADDED WITHIN THE SIX (6) MONTHS PRECEDING THE FILING OF APPLICANT'S APPLICATION, OR SUBSEQUENT THERETO, TO BE MADE NOT LATER THAN TWO (2) YEARS AFTER THE DATE OF THE ISSUANCE OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE BY THE STATE TAX COMMISSION (SEE § 8 OF APPLICATION); AND

C. APPLICANT'S REPRESENTATION THAT IT IS COMMITTED TO EQUAL EMPLOYMENT OPPORTUNITY AND TO ITS AFFIRMATIVE ACTION PROGRAM, AS SUBMITTED TO THE CITY OF LANSING'S HUMAN RELATIONS AND COMMUNITY SERVICES DEPARTMENT.

3. PERFORMANCE OF PARAGRAPHS 2 (A) AND 2 (B) WITHIN TWO YEARS.

THAT IF APPLICANT HAS NOT ALREADY MET THE PROJECTIONS IN PARAGRAPHS 2 (A) AND 2 (B), AND FAILS, WITHIN TWO (2) YEARS AFTER THE DATE OF THE ISSUANCE OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE BY THE STATE TAX COMMISSION, TO CREATE A SUBSTANTIAL NUMBER OF THE NEW JOBS PROJECTED, OR FAILS TO INVEST A SUBSTANTIAL SUM IN THE MACHINERY AND EQUIPMENT ACQUISITIONS PROJECTED, THE CITY MAY BY RESOLUTION OF THE COUNCIL REQUEST THE TAX COMMISSION TO REVOKE ALL, OR A PORTION OF THE NUMBER OF YEARS ON THE CERTIFICATE IN ACCORDANCE WITH PARAGRAPH FOUR (4). FOR PURPOSES OF THIS AGREEMENT, "SUBSTANTIAL" SHALL MEAN AT LEAST 80% (ROUNDED DOWN TO NEAREST WHOLE NUMBER) OF THE PROJECTED JOBS, OR 80% OF THE DOLLAR VALUE (ROUNDED DOWN TO THE NEAREST THOUSAND) OF THE IMPROVEMENTS OR MACHINERY AND EQUIPMENT EXPENDITURES PROJECTED.

4. REVOCATION OR PARTIAL REVOCATION IN ACCORDANCE WITH SCHEDULES.

(1) THE PARTIES AGREE THAT THE CITY SHALL BE ENTITLED TO REVOKE ALL, OR A PORTION OF THE NUMBER OF YEARS ON THE CERTIFICATE IN ACCORDANCE WITH THE FOLLOWING SCHEDULES IN THE EVENT OF APPLICANT'S FAILURE TO SATISFY THE "SUBSTANTIAL" THRESHOLD AS DEFINED IN PARAGRAPH THREE (3). EXCEPT AS PROVIDED IN PARAGRAPH EIGHT (8), SIX (6) YEARS OF THE INDUSTRIAL FACILITIES CERTIFICATE SHALL BE ALLOCATED TO THE NEW JOBS PROJECTED, AND SIX (6) YEARS SHALL BE ALLOCATED TO THE PROJECTED MACHINERY AND EQUIPMENT EXPENDITURES.

SCHEDULE A - JOBS

NO. OF NEW JOBS WITHIN 2 YEARS OF ISSUANCE OF CERTIFICATE
0-5
6-10
11-15

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16-20
21-24
25+

No. of Years By Which the Certificate is Reduced
6
5
4
3
2
0

SCHEDULE B
IMPROVEMENTS, MACHINERY & EQUIPMENT

$$ of Expenditures Within 2 Years of Issuance of Certificate	
0-	$499,999
$ 500,000-	$ 999,999
$ 1,000,000-	$ 1,499,999
$ 1,500,000-	$ 1,999,999
$ 2,000,000-	$ 2,399,999
$ 2,400,000 +	

No. of Years By Which the Certificate is Reduced
6
5
4
3
2
0

(2) The parties agree that attainment of the projected jobs, and the making of the projected expenditures for improvements, machinery, and equipment are critical, and that time is of the essence. Also, the parties expressly agree that attainment of the projected jobs and expenditures beyond two (2) years from the date of the issuance of a certificate by the Tax Commission shall not avoid or cancel any revocation or partial revocation of the number of years on the certificate imposed as a result of the application of the above schedules.

5. City Treasurer to Report on Projected Jobs.

The parties agree that the City Treasurer shall make the determination as to whether Applicant has created, either within the six (6) months preceding the filing of Applicant's application, or subsequent thereto, but not later than two (2) years after the issuance of a certificate by the Tax Commission, the number of new jobs projected. Applicant agrees to provide to the Treasurer such documentation the Treasurer requires in order to make this determination. The Treasurer shall report his/her determination to the Council.

6. City Assessor to Report on Capital Improvements.

The parties agree that the City Assessor shall make the determination as to whether Applicant has made, either within the six (6) months preceding the filing of Applicant's application, or subsequent thereto, but not later than two (2) years after the issuance of a certificate by the Tax Commission, the projected expenditures for improvements, machinery, and equipment. Applicant agrees to provide to the Assessor such documentation the Assessor requires in order to make this determination. The Assessor shall report her/his determination to the Council.

7. Applicant's Commitment to Equal Employment Opportunity.

Pursuant to paragraph 2(c), the Applicant agrees to provide equal employment opportunity in regard to hiring and the terms and conditions of employment. As evidence of its good faith, Applicant has submitted to the City's Department of Human Relations and Community Services a copy of their Affirmative Action Plan with includes an Equal Opportunity Policy Statement.

8. Revocation Upon Failure to Provide Equal Employment Opportunity; Reimbursement of Amounts Abated.

The parties agree that notwithstanding any other provision of this agreement, after the effective date of this agreement, the industrial facilities exemption certificate is subject to revocation, if Applicant engages in conduct that establishes acts and practices of discrimination with regard to hire, and the terms and conditions of employment. The parties agree that upon findings by either the City's Human Relations Board, the Michigan Civil Rights Commission, the Equal Employment Opportunity Commission, or the State or Federal Courts, that Applicant is engaging in discriminatory acts and practices with regard to hiring or the terms and conditions of employment, the Lansing City Council may adopt a resolution requesting the State Tax Commission to revoke the industrial facilities exemption certificate. The parties also agree that in the event of such findings, the Lansing City Council may additionally authorize an action to recover the amount of any tax relief granted Applicant by virtue of the abatement granted.

9. Human Relations and Community Services Department to Monitor.

The parties agree that the City of Lansing Human Relations and Community Services Department shall monitor the effectiveness of Applicant's "Affirmative Action Program for Equal Employment Opportunity". Applicant agrees to provide to the Department such records and documentation as deemed necessary by

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THE DIRECTOR IN ORDER TO MONITOR SAID PROGRAM. THE DIRECTOR SHALL FROM TIME TO TIME REPORT ON THE SAME TO THE HUMAN RELATIONS BOARD AND TO THE COUNCIL.

10. No Payback Provision if Applicant Moves.

SHOULD UNFORESEEN CIRCUMSTANCES REQUIRE THAT APPLICANT MOVE ITS OPERATION OUTSIDE OF THE CITY BEFORE THE EXPIRATION OF THE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, THE PARTIES AGREE THAT THE CIRCUMSTANCES SURROUNDING THE ABATEMENT GRANTED APPLICANT DOES NOT WARRANT THE INCLUSION OF A "PAYBACK" PROVISION IN THIS AGREEMENT. THIS PARAGRAPH SHALL NOT HAVE ANY BEARING HOWEVER ON ANY OTHER PAYBACK OBLIGATION UNDER THIS AGREEMENT.

IN WITNESS WHEREOF, THE UNDERSIGNED PARTIES HERETO EXECUTE THIS AGREEMENT AS OF THE DAY AND YEAR FIRST ABOVE WRITTEN.

WITNESSES:

APPLICANT:
DEMMER CORPORATION

_____

BY:_____

_____
ITS: PRESIDENT

CITY OF LANSING:

_____

BY:_____
DAVID C. HOLLISTER

_____
ITS: MAYOR

APPROVED AS TO FORM:

_____
CITY ATTORNEY

CERTIFICATION AS TO AVAILABILITY OF FUNDS:

_____
FINANCE DIRECTOR

RESOLUTION #492
BY THE DEVELOPMENT & PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY OF LANSING HAS TARGETED SOME OF ITS ECONOMIC DEVELOPMENT EFFORTS TO THE REVITALIZATION OF THE CENTRAL BUSINESS DISTRICT AND OLD TOWN RESIDENTIAL AND COMMERCIAL AREAS; AND

WHEREAS, A NUMBER OF THE REVITALIZATION STRATEGIES HAVE RESULTED, THROUGH THE EFFORTS OF BOTH THE PUBLIC AND PRIVATE SECTORS WORKING TOGETHER, IN SUCH PROJECTS AS THE CONSTRUCTION OF A 9,800 SEAT MINOR LEAGUE BASEBALL STADIUM, THE COMPLETION OF THE DOWNTOWN RIVERFRONT REDEVELOPMENT AND THE CREATION OF NUMEROUS NEW COMMERCIAL BUSINESS START-UPS WITH AN EMPHASIS ON FAMILY ORIENTED ENTERTAINMENT ATTRACTIONS; AND

WHEREAS, IN ADDITION TO THE AFOREMENTIONED, THESE REVITALIZATION EFFORTS HAVE ALSO RESULTED IN THE RECENT MAIN STREET DESIGNATION FOR THE OLD TOWN RESIDENTIAL AND COMMERCIAL AREA; AND

WHEREAS, THE NATIONAL TRUST FOR HISTORIC PRESERVATION'S MAIN STREET CENTER HAS ANNOUNCED THE 1997 GREAT AMERICAN MAIN STREET AWARDS PROGRAM FOR COMMUNITIES WHO HAVE DEMONSTRATED THEIR COMMUNITY EFFORTS AT REVITALIZING DOWNTOWN AND NEIGHBORHOOD COMMERCIAL DISTRICTS; AND

WHEREAS, THE 1997 GREAT AMERICAN MAIN STREET AWARD RECIPIENTS WILL RECEIVE PLAQUES, ROAD SIGNS AND CERTIFICATES MARKING THEIR ACHIEVEMENT ALONG WITH A $ 5,000.00 CASH AWARD TO BE USED FOR FURTHER REVITALIZATION EFFORTS; AND

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF LANSING HEREBY SUPPORTS THE SUBMISSION BY THE ECONOMIC DEVELOPMENT CORPORATION OF THE 1997 APPLICATION FOR THE GREAT AMERICAN MAIN STREET AWARD ON BEHALF OF THE CITY OF LANSING.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #493
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE TRANSPORTATION DIVISION RECEIVED A RESIDENT REQUEST VIA THE DECENTRALIZATION COMMITTEE, TO PROHIBIT PARKING NEAR THE INTERSECTION OF LE GRAND DRIVE AND WALTON DRIVE. RESIDENTS MADE THIS REQUEST DUE TO VEHICLES PARKED NEAR THIS "L" SHAPED INTERSECTION WHICH CAUSE DIFFICULTIES FOR OTHER VEHICLES NEGOTIATING THE TURN;

WHEREAS, THE REQUEST WAS REFERRED TO THE TRAFFIC BOARD;

WHEREAS, THE TRANSPORTATION DIVISION STAFF CONDUCTED A STUDY OF THE ROADWAY CONDITIONS AND PARKING ACTIVITIES;

WHEREAS, PURSUANT TO SECTION 2.53(2) OF THE LANSING CODE OF ORDINANCES THE TRANSPORTATION ENGINEER ON APRIL 22, 1996, ENACTED A TEMPORARY TRAFFIC CONTROL ORDER TO PROHIBIT PARKING IN THE FOLLOWING LOCATIONS: ON THE SOUTH SIDE OF LE GRAND DRIVE FROM 80 FEET

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west of Walton Drive to Walton Drive; on the north of Le Grand Drive from Walton Avenue to 65 feet west of Walton Drive; the east side of Walton Drive from 40 feet south of Le Grand Drive to Le Grand Drive; and on the west side of Walton Drive from Le Grand Drive to 55 feet south of Le Grand Drive;

WHEREAS, site visits to the area have confirmed that the temporary parking regulations are effective in discouraging parking in the intersection of Le Grand Drive and Walton Drive;

WHEREAS, based upon the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to make permanent the temporary parking regulations;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order Numbers 96-034 and 96-035, thereby authorizing the Transportation Engineer to make permanent the temporary parking regulations;

BE IT FINALLY RESOLVED that Traffic Control Order Numbers 96-034 and 96-035 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #494
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division has received a request from the Waste Water Treatment Plant Safety Committee (WWTPSC) to prohibit parking on the east side of Sunset Avenue near the intersection of Willow Street. The WWTPSC made this request because trucks are having difficulties negotiating the turn off of Willow Street onto Sunset Avenue when a southbound vehicle on Sunset Avenue is waiting to turn onto Willow Street;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff studied the roadway conditions and parking activities;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances, the Transportation Engineer on April 19, 1996, implemented a temporary traffic control order prohibiting stopping, standing, and parking between the hours of 8:00 AM to 6:00 PM, on the east side of Sunset Avenue from Willow Street to 265 feet north of Willow Street;

WHEREAS, during the time the temporary parking regulations have been in effect, the Transportation Division has conducted site visits and have determined that motorists are complying with the regulation changes;

WHEREAS, the Traffic Board has recommended that the referenced temporary parking regulations be made permanent;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 96-033 thereby authorizing the Transportation Engineer to prohibit stopping, standing, and parking on the east side of Sunset Avenue, between hours of 8:00 A.M. and 6:00 P.M., from Willow Street to 265 feet north of Willow Street;

BE IT FURTHER RESOLVED that existing parking regulations are documented on Traffic Control Order No. 96-033 supporting the historical parking regulations which prohibits parking on the west side of Sunset Avenue from the north end to Willow Street;

BE IT FINALLY RESOLVED that Traffic Control Order No. 96-033 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #495
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

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WHEREAS, due to the reconstruction of the Shiawassee Street Bridge over the Grand River new lane use controls are being established at the intersections of Cedar Street & Shiawassee Street and Grand Avenue & Shiawassee Street. The parking regulations on Shiawassee Street between Cedar Street and Grand Avenue are being established and documented on a new traffic control order;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on July 2, 1996, enacted a temporary traffic control order requiring vehicular traffic westbound on Shiawassee Street in the northern most travel lane at the intersection of Grand Avenue to complete a right turn (northbound) onto Grand Avenue;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on July 2, 1996, enacted a temporary traffic control order requiring vehicular traffic eastbound on Shiawassee Street in the southern most travel lane at the intersection of Cedar Street to complete a right turn (southbound) onto Cedar Street;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on July 2, 1996, enacted a temporary traffic control order prohibiting stopping, standing, and parking on both sides of Shiawassee Street from Grand Avenue to Cedar Street;

WHEREAS, site visits to the area have confirmed that motorists are complying with the temporary parking regulations are being complied with and that the establishment of the exclusive right turn lane for traffic westbound on Shiawassee Street at the intersection of Grand Avenue have not had adverse effects on the intersection operation;

WHEREAS, based upon the Transportation Division's study, the Traffic Board concurs with the recommendations of the Transportation Division to make permanent the temporary traffic control orders;

WHEREAS, the approved minutes of the Traffic Board containing the Traffic Board's recommendations for these matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order Numbers 96-044, 96-045, and 96-046 thereby authorizing the Transportation Engineer to make permanent the temporary traffic control orders;

BE IT FINALLY RESOLVED that Traffic Control Orders Numbers 96-044, 96-045, and 96-046 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER ALLEN AND REFERRED BACK TO THE COMMITTEE ON PUBLIC SAFETY

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Ms. Inez Clark of 915 S. Dexter to install stop control at the intersection of S. Dexter Drive and Plymouth Drive. Ms. Clark is expressed concerns about the high speeds of vehicular traffic through this intersection due to its unusual geometries;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of this intersection;

WHEREAS, based upon the results of the Transportation Division's study, the Traffic Board forwarded no recommendation based on a four to one vote in favor of the Transportation Division's recommendation;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Transportation Division;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Transportation Division;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves Traffic Control Order No. 96-047 thereby authorizing the Transportation Engineer to a install stop sign on the east leg of S. Dexter Drive for westbound traffic at the intersection of Plymouth Drive;

BE IT FINALLY RESOLVED that Traffic Control Order

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No. 96-047 shall become effective when signed by the Transportation Engineer, filed with the City Clerk and the appropriate sign is erected.

RESOLUTION #496
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City Council passed a resolution on October 9, 1995, amending the code of Ordinances by adding a new chapter, Chapter 1043, to the Code of Ordinances, City of Lansing, establishing a Stormwater Enterprise Fund; and

WHEREAS, the City uses Best Management Practices (BMPS) to guide the formulation and implementation of policies and procedures, and that the use of a quality and quantity based Stormwater detention system is one of many Best Management Practices proposed by the City;

NOW THEREFORE BE IT RESOLVED, the City establishes Stormwater detention credits to those property owners who build and maintain their detention system according to plans approved by the Director of Public Services-.

BE IT FURTHER RESOLVED, the detention credit is based on the following formula;

EHA = [pervious area x 0.15] +[Impervious area tributary to detention system x 0.30] + [Remaining impervious area x 0.95]

and that the City apply the formula to those properties showing compliance with the BMPs as ,developed by the Public Service Director to meet the National Standards for BMPS;

BE IT FINALLY RESOLVED, that all detention systems be properly maintained and operated by the property owner and be inspected by the Public Service Department, and in the event the detention system fails to meet BMP standards, the Director shall give 90-days notice that the detention credit will become void unless compliance is reestablished.

By Councilmember Leeman

Carried unanimously

RESOLUTION #497
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Martin Hernandez, Jr. filed a complaint against the City and the Parks and Recreation Department alleging that his civil rights were violated; and

WHEREAS, the City Attorney has reported a proposed settlement of the complaint, in which Martin Hernandez, Jr. would receive a payment of $2,181.12 from the General Fund Claims Account; and

WHEREAS, the Committee on Ways and Means has received this matter and recommended approval of the settlement;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby concurs with this recommendation of the Committee on Ways and Means to settle the complaint of Martin Hernandez, Jr. by approving a payment of $2,181.12; and

BE IT FURTHER RESOLVED the City Clerk is requested to forward this resolution to the City Attorney for action to settle the claim.

By Councilmember /beak

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly absent and unexcused for this vote)

RESOLUTION #498
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Public Service Department has proposed a refuse cart program to supplement, at residents' option, the green City bag program for the Citizens of Lansing; and

WHEREAS, this Council appropriated funds for an experimental pilot program, in which East side residents would be offered refuse carts during an evaluation period; and

WHEREAS, the Public Service Department has recommended a service rate schedule for the refuse cart pilot program; and

WHEREAS, the Committee on Ways and Means has reviewed the proposed cart refuse collection rates and recommends approval as submitted;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following collection service rates for the Public Service Department's Refuse Cart Pilot Program:

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Cart Size	Monthly Charge	Minimum 3-month billing
21 gallon	$ 7.00	$21.00
32 gallon	$ 8.00	$24.00
65 gallon	$10.00	$30.00

By Councilmember Beal

Carried unanimously

RESOLUTION # 499
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Lansing City Council has previously established a Lansing Plant Rehabilitation District (#5) on May 23, 1977 on property at 401 Verlinden, Lansing, Michigan, more fully described on Exhibit A; and

WHEREAS, General Motors Corporation, Small Car Group, Lansing Car Assembly, has applied for an Industrial Facilities Exemption Certificate (IFT-2-96) for the installation of new manufacturing equipment to be located within said established district; and

WHEREAS, a public hearing was held on October 7, 1996 on General Motors Corporation's application for an Industrial Facilities Exemption Certificate (IFT-2-96), and all parties had an opportunity to be heard; and

WHEREAS, General Motors Corporation has substantially met all the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council; and

WHEREAS, General Motors Corporation has agreed to provide the City of Lansing periodic informational updates as to the progress of General Motors Corporation's efforts to comply with Consent Order No. 7-1996 and General Motors Corporation has further agreed to the formation of a committee composed of General Motors, west side neighborhood, and United Auto Workers representatives to meet monthly to review and discuss the status of General Motors Corporation's progress and complying with Consent Order No. 7-1996; and

WHEREAS, this Council finds that the granting of the Exemption Certificate, considered together with the aggregate amount of Industrial Facilities Exemption Certificates currently in force shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of taxing units levying ad valorem taxes in the City of Lansing.

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of Lansing hereby approves the application from General Motors Corporation for an Industrial Facilities Exemption Certificate (IPR-2-96) to remain in effect for a period of fifteen (15) years, which includes an initial construction period of three (3) years and subject to the execution of a written agreement by no later than October 31, 1996 between General Motors Corporation and the City of Lansing (as attached Exhibit B)as required by Public Act 198 as amended.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is authorized to execute the aforestated Agreement, subject to prior approval thereof as to form by the City Attorney.

By Councilmember Lilly

To place the question of the recusal of Councilmember Novak to a vote

MOTION ON THE RECUSAL OF COUNCILMEMBER NOVAK WAS DEFEATED BY THE FOLLOWING VOTE:

YEAS: None

NAYS: 7

By Councilmember Lilly

To place an affirmative roll on the resolution

FOLLOWING EXTENSIVE DEBATE ON THIS ISSUE, THE FOLLOWING MOTION WAS MADE:

By Councilmember Novak

To table this resolution until April 15, 1997

YEAS: Councilmember Beal, Jones, Novak

NAYS: Councilmembers Allen, Bauer, Benavides, Leeman, Lilly

COUNCILMEMBER LILLY'S MOTION FOR AFFIRMATIVE ROLL WAS ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Benavides, Leeman, Lilly

NAYS: Councilmembers Beal, Jones, Novak

EXHIBIT "A"

LANSING CAR ASSEMBLY PLANT #6

The facility will be located on a parcel of land

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CONTAINING APPROXIMATELY 48 ACRES, LOCATED WITHIN THE CITY LIMITS OF THE CITY OF LANSING, MICHIGAN, DESCRIBED MORE PARTICULARLY AS:

COMMENCING ON W LINE VERLINDEN AVE. 823.21 FT S OF S LINE W SAGINAW ST, TH W PAR L TO S LINE W SAGINAW ST 1206.57 FT TO E LINE LM RR R/W S LY ON E LINE SAID R/W TO N LINE W MICHIGAN AVE, E LY ON N LINE W MICHIGAN AVE 1191.37 FT TO W LINE VERLINDEN AVE, N LY ON W LINE VERLINDEN AVE 1737.57 FT TO BEG;

SEC 17 T4N R2W

EXHIBIT "B"

INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AGREEMENT

THIS AGREEMENT, MADE THIS _____ DAY OF OCTOBER, 1996, BY AND BETWEEN THE CITY OF LANSING, ACTING BY AND THROUGH ITS PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT ("THE CITY") AND GENERAL MOTORS CORPORATION ("THE COMPANY"):

WITNESSETH:

WHEREAS, THE COMPANY HAS SUBMITTED AN APPLICATION ("APPLICATION") TO THE CITY FOR ADOPTION OF A RESOLUTION GIVING THE CITY'S APPROVAL OF A FIFTEEN (15) YEAR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE ("INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE") THAT INCLUDES AN INITIAL THREE (3) YEAR PERIOD OF CONSTRUCTION AND EQUIPPING, PURSUANT TO MICHIGAN PUBLIC ACT NO. 198 OF 1974, AS AMENDED, FOR PERSONAL PROPERTY ("FACILITY") TO BE LOCATED AT 401 VERLINDEN, LANSING, MICHIGAN 48915 (A COPY OF THE APPLICATION IS ATTACHED HERETO AS EXHIBIT "A"); AND

WHEREAS, THE COMPANY INTENDS TO PROMOTE THE LONG-TERM VIABILITY OF THE LANSING CAR ASSEMBLY PLANT THROUGH THE INTRODUCTION OF A NEW FLEXIBLE MANUFACTURING PROCESS WHICH WILL IMPROVE THE FACILITY'S ABILITY TO CHANGE ITS PRODUCT MIX IN RESPONSE TO THE MARKETPLACE; THE IMPLEMENTATION OF THIS NEW PROCESS WILL REQUIRE AN IMMENSE CAPITAL INVESTMENT BY THE COMPANY; AND

WHEREAS, AS A PART OF ITS APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, THE COMPANY HAS SUBMITTED AN EEO POLICY STATEMENT AND A COPY OF THEIR EEO-1 STATISTICS REPORT FOR AAP YEAR 1995 WITH THE CITY HUMAN RELATIONS AND COMMUNITY DEVELOPMENT DEPARTMENT (A COPY OF THE STATEMENT AND REPORT IS ATTACHED HERETO AS EXHIBIT "B"), WHEREIN THE COMPANY HAS REPRESENTED TO THE CITY THAT DURING THE TERM OF THE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, IT SHALL PROVIDE EQUAL OPPORTUNITY IN REGARD TO HIRING AND THE TERMS AND CONDITIONS OF EMPLOYMENT; AND

WHEREAS, PURSUANT TO SECTION 22 OF MICHIGAN PUBLIC ACT NO. 334 OF 1993, EFFECTIVE DECEMBER 31, 1993, IT IS NECESSARY THAT THE CITY AND THE COMPANY ENTER INTO A "WRITTEN AGREEMENT" PRIOR TO APPROVAL AND ISSUANCE OF AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE BY THE MICHIGAN STATE TAX COMMISSION;

NOW THEREFORE, THE COMPANY HEREBY AGREES AS FOLLOWS:

1. GENERAL.

A. THE COMPANY SHALL MAKE THE IMPROVEMENTS SET FORTH IN THE APPLICATION WITHIN TWO (2) YEARS OF THE APPROVAL DATE OF THE INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE ("APPROVAL DATE").

B. THE COMPANY SHALL PURCHASE AND INSTALL THE EQUIPMENT AND MACHINERY AS SET FORTH IN THE APPLICATION, AS PART OF THE FACILITY, WITHIN TWO (2) YEARS OF THE APPROVAL DATE.

C. THE COMPANY AGREES TO IMPLEMENT THE EQUIPMENT AND EMPLOYMENT RELATED TO THE NEW PROJECT AS WELL AS MAINTAIN THE OVERALL BUILDING, EQUIPMENT & EMPLOYMENT AT THE LEVEL AS REPRESENTED IN ITS APPLICATION FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE.

D. THE COMPANY SHALL CREATE 122 NEW JOBS AT THE FACILITY WITHIN TWO (2) YEARS OF THE APPROVAL DATE.

E. THE COMPANY SHALL RETAIN AT THE FACILITY:

I) SIX THOUSAND FIVE HUNDRED FORTY NINE (6,549) FULL-TIME EMPLOYEES FROM THE APPROVAL DATE UNTIL THE COMPLETION OF THE FACILITY, OR TWO (2) YEARS FROM THE APPROVAL DATE, WHICHEVER FIRST OCCURS: AND

II) SIX THOUSAND FIVE HUNDRED FORTY NINE (6,549) FULL-TIME EMPLOYEES AT THE FACILITY COMMENCING TWO (2) YEARS FROM THE APPROVAL DATE, OR FROM COMPLETION OR THE FACILITY, WHICHEVER FIRST OCCURS, AND THROUGHOUT THE TERM OF THIS AGREEMENT.

FOR PURPOSES OF THE AGREEMENT, A "FULL-TIME EMPLOYEE" SHALL INCLUDE A PERSON 1) WHO IS EMPLOYED BY THE COMPANY ON A SALARY, WAGE, COMMISSION, OR OTHER BASIS, FOR A MINIMUM PERIOD OF FORTY (40) HOURS PER WEEK; AND 2) FROM WHOSE COMPENSATION THE COMPANY IS REQUIRED BY LAW TO WITHHOLD FOR CITY INCOME TAXES.

FOR PURPOSES OF PARAGRAPH 1 D. AND E. OF THIS AGREEMENT, THE FACILITY REFERS TO THE LANSING CAR ASSEMBLY PLANTS AT 920 TOWNSEND AND 401 VERLINDEN,

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Lansing Michigan.

2. Annual Affirmative Action Report by the Company.

On or before November 1, 1997, and each year thereafter, throughout the term of the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, the Company shall submit to the Planning and Neighborhood Development Department of the City 1) a current Contract Compliance Report (Form EEO-1); and 2) a current Employer Information Report (Form EEO-2). If requested in writing by the Planning and Neighborhood Development Department of the City, the Company shall also submit to the City, within 90 days, an Affirmative Action Plan, which sets forth the future affirmative action goals of the Company at the Facility, and the means by which the Company intends to effectuate those goals. The provisions of the Affirmative Action Plan must meet the approval of the Director of the City's Human and Community Relations Department.

3. Annual Status Report by the Company.

On or before February 1, 1998 and on or before February 1 of each year thereafter, throughout the term of the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, the Company shall submit to the Planning and Neighborhood Development Department of the City a certified status report ("Status Report") signed by the President of the Company or General Manager of the Company's Facility. The Status Report shall set forth the affirmative action accomplishments, the average number of full-time employees at the Facility during the calendar year preceding the date of the Status Report, and the Facility costs as of the December 31st preceding the date of the Status Report. For purposes of this Agreement, the average full-time employees shall be computed as the average of the number of full-time employees at the Facility on March 31, June 30, September 30, and December 31 of the calendar year preceding the date of the Status Report.

4. Revocation Upon Failure to Provide Equal Employment Opportunity; Reimbursement of Amounts Abated.

The Company agrees that notwithstanding any other provisions of this Agreement, after the effective date of this Agreement, the industrial facilities exemption certificate is subject to revocation, if Applicant engages in conduct that establishes acts and practices of discrimination with regard to hiring or the terms and conditions of employment. The parties agree that upon findings by either the City's Human Relations Board, the Michigan Civil Rights Commission, the Equal Employment Opportunity Commission, or the State or Federal Courts, that Applicant is engaging in discriminatory acts and practices with regard to hiring or the terms and conditions of employment, the Lansing City Council may adopt a resolution requesting the State Tax Commission to revoke the industrial facilities exemption certificate. The Company also agrees that in the event of such findings, the Lansing City Council may additionally authorize an action to recover the amount of any tax relief granted Applicant by virtue of the abatement granted for each year in which the Company has been or is found to have been engaged in such discriminatory acts and practices.

5. Review and Audit of Company Employment Information.

The Company agrees to provide the City with sufficient information, and the City may review and audit the information provided by the Company, in order to determine compliance with this Agreement. If the Company fails to provide employment information satisfying the needs of the City, the Company will provide the City and Michigan Employment Security Commission (MESC) written authorization, in a form acceptable to the City and MESC, to use and develop appropriate MESC documents, such as, but not limited to the MESC Multiple Worksite Report, to verify the number of full-time employees stated in the annual Status Report. In the event that the Company fails to provide the City with any information required to be provided to the City under this Section and the Company's noncompliance is held to be unreasonable by a court of competent jurisdiction, the Company agrees to reimburse the City for all reasonable costs, including reasonable attorney's fees, incurred by the City to verify the information which was unreasonably withheld.

6. Payment of Abated Taxes for Shortfall of Employment or Facility Cost Shortfalls.

If the average number of new and retained full-time employees at the Facility during the calendar year preceding the date of the Status Report is less than the number of new and retained employees set forth in Provision 1 above, the Company agrees to pay to the City, in addition to Industrial Facility tax due under the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE on the Facility, an amount equal to the difference between the amount of ad valorem tax otherwise due on the Facility without the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, and the amount of Industrial Facility tax due on the Facility under the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, for the calendar year preceding the date of the Status Report, multiplied by a fraction, the numerator of which is the shortfall in the number of new and retained full-time employees indicated in the Status Report, and the denominator of which is the total number of new and retained full-time employees set forth in Provision 1 above. The City may, in its sole discretion, request

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that the Michigan State Tax Commission reduce the remaining term of the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE or revoke the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE if the Facility cost is less than 85% of the total project cost to which the Company committed itself in the Application. Prior to taking any action to require the Company to pay any amount to the City or requesting a reduction of the term of the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE or revocation of the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE, pursuant to this Section, the City must afford the Company an opportunity to present at a public hearing reasons for any shortfall by the Company in its compliance with this Agreement. The remedies provided for in this Section are in addition to those provided for in other Sections of this Agreement, and those provided for under Michigan Public Act No. 198 or 1974, as amended.

7. Property Tax Liabilities.

The Company's taxable status shall be determined as of each December 31st. Should the Company own personal property on that day they shall still be liable for the following July and December personal property tax, even if their business discontinues its operations in Lansing during the preceding tax year.

8. Representations.

Company represents that it intends to remain within the City of Lansing during the entire period of time for which the Industrial Facilities Exemption Certificate has been approved. Failure to remain within the limits of the City of Lansing or failure to comply with the provisions contained in Provision 1 shall be deemed to constitute a breach of this agreement and City may petition the State Tax Commission to revoke the Industrial Facilities Exemption Certificate. Company acknowledges that failure to remain within the City of Lansing during the entire period for which the Industrial Facilities Exemption Certificate is granted shall constitute grounds for immediate revocation of this Industrial Facilities Exemption Certificate and denial of City's consent to the granting of an Industrial Facilities Exemption Certificate in a governmental unit to which Company has relocated or employment has been transferred from the City. Company may present to the City Council those compelling circumstances which could allow the City Council, in its sole and unreviewable discretion, to approve such transfer.

9. Limitation of Remedies.

The City and the Company agree that the provisions of this Agreement are for the sole benefit of the City and the Company. It is understood and agreed that if the Company does not create or retain the level of employment set forth in Provision 1 above, the City shall have no right to require the Company by injunction to create or to maintain any specified level of employment for any period of time. The sole and exclusive remedies for noncompliance with the terms, covenants and representatives contained in this Agreement are as set forth in this Agreement, and as provided for under Michigan Public Act No. 198 of 1974, as amended.

10. Effective Date.

This Agreement shall become effective upon issuance by the Michigan State Tax Commission of an INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE covering the Facility, and shall be null and void and of no force or effect whatsoever unless the Michigan State Tax Commission issues an INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE to the Company covering the Facility. This Agreement shall terminate thirty (30) days after the due date of the Status Report required by Provision 3 above pertaining to the final year the INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE is in force, or thirty (30) days after the actual filing of said Status Report, whichever is later.

IN WITNESS WHEREOF, the City and the Company, by and through their authorized
officers and representative, have executed this Agreement as of the date first above written.

WITNESSES:
GENERAL MOTORS CORPORATION

1._____
By:_____
Its:
2._____

WITNESSES:
CITY OF LANSING

_____

By:_____
David C. Hollister
Its: Mayor

_____

By:_____
Marilynn Slade
Its: City Clerk

Approved as to form:

_____
James D. Smiertka
City Attorney

I hereby certify that funds are available

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Acct. No._____

_____
Robert W. Swanson, Finance Director

RESOLUTION #500
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Parks and Recreation Department and GLAHA has requested that the City of Lansing construct an air-supported dome ice rink north of the existing outdoor rink and warming shelter in Washington Park; and

WHEREAS, this $1,045,000 project is proposed in conjunction with the Greater Lansing Amateur Hockey Association (GLAHA), with GLAHA providing the installation and $450,000 in financial assistance for the covered ice rink in return for a limited share use rental arrangement and continued operation and maintenance by the City; and

WHEREAS, this Council has had an opportunity to review this proposal in the Public Service, Development and Planning and Ways and Means Committees; and

WHEREAS, GLAHA will now install the facility and convey ownership of all items to the City following installation; and

WHEREAS, the GLAHA capital costs shall include all financing costs and interest associated with the purchase and installation of the dome, concrete beam and flooring, refrigeration system, chiller and tower, rink boards, dome electric/lighting and dome inflation and alarm system, and all costs incurred by GLAHA in the installation and construction of the dome ice facility; not to exceed four hundred fifty thousand ($450,000) dollars exclusive of financing costs and interest only; and

WHEREAS, the installation of a second ice sheet at Washington Park will increase revenues sufficient to offset increased operating costs following the repayment of the GLAHA capital costs; and

NOW THEREFORE, BE IT RESOLVED that the Lansing City Council approves the installation of a second ice sheet by GLAHA at Washington Park; and

BE IT FURTHER RESOLVED the City Council shall accord GLAHA the opportunity to recover the capital costs including all financing costs and interest associated with the installation of the enclosed ice facility in accordance with the license agreement; and

BE IT FURTHER RESOLVED the City Council approves the following GLAHA rental rates for the air supported dome structure based on a minimum of 754 hours with a total of not more than 962 hours of rental time during the periods of October 1 to March 31 of each year:

$ 50 per hour through March 31, 2001; and
$100 per hour October 1, 2000 through March 31, 2003

BE IT FURTHER RESOLVED, in accordance with the license agreement, the City Council approves that GLAHA be paid thirty (30%) percent of the revenues received by the City from the dome rentals excluding GLAHA's rental time through March 31, 2000; and

BE IT FURTHER RESOLVED that if GLAHA recoups its capital costs, financing costs and interest before the dates established for fees or revenues above, then GLAHA shall pay the dome hourly rental rate as then established by the Lansing City Council; and

BE IT FURTHER RESOLVED the City Council approves of GLAHA retaining all revenue generated by GLAHA for the sale of advertisements or promotions associated with the dome operation through March 31, 2003; and

BE IT FURTHER RESOLVED the City Council hereby authorizes the administration to increase the full time UAW collective bargaining unit table of organization by two with the deletion of two seasonal positions to provide sufficient maintenance staff during the extended season effective October 1, 1997; and

BE IT FURTHER RESOLVED that the increased cost to the golf fund shall be reimbursed due to the conversion of two Seasonal employees to full time; and

BE IT FURTHER RESOLVED the City Council approves the use by GLAHA of up to $245,000 in Park Millage Infrastructure Funds from Park Millage Fund balance combined with other millage project residuals to provide necessary site improvements associated with GLAHA's proposal; and

BE IT FURTHER RESOLVED the City council approves the following public fee schedule for the dome:

<u>Public Skating</u>	
Adult	$3.50/session
Child (16 + Under)	$2.50/session
Senior (60 + Over)	No charge
<u>Rink Rentals to the Public</u>	
Prime Time*	$130/hour
Non-Prime	$100/hour

<u>*Prime Time:</u>

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M-F	3:00 P.M. - Midnight
Sat. & Sun.	8:00 A.M. - Midnight

BE IT FURTHER RESOLVED the City Council requests that the Mayor include in the FY 98 Park Millage Infrastructure Budget funding sufficient to make the necessary warming house repairs and upgrades as required in the site plan approvals; and

BE IT FURTHER RESOLVED that this concept is intended to significantly reduce the City's total operating deficit in the Washington Park ice skating operations and that Councils intention is to reimburse the Parks Millage infrastructure fund by the reduced operating deficit amount through FY 2003, as expressed in the license presented to the City Council on October 28, 1996; and

BE IT FURTHER RESOLVED that the City of Lansing expresses its intention to enable GLAHA to extend its exclusive right to reserve priority ice time for up to four additional years; and

BE IT FURTHER RESOLVED that it is the intent of this City Council to, upon repayment of Park Millage Funds advanced for the construction of the dome and provision of locker rooms and expanded rest rooms necessary to operate the facility, create a sinking fund for the purpose of replacing the dome upon expiration of its useful life to the extent that operation of the dome has proven cost effective; and

BE IT FURTHER RESOLVED that the City Council retains the right to offer to the Lansing School District and/or non-profit organizations located in Lansing reduced or free skating during non-priority hours consistent with the intent of established Council Policy pertaining to community use of parks facilities; and

BE IT FINALLY RESOLVED the Mayor, on behalf of the City, is authorized to execute such documents to expire no later than March 31, 2003 as may be necessary to effectuate this project, subject to approval as to form by the City Attorney.

By Councilmember Beal

To accept a substitute resolution for the original contained in the packet

Carried unanimously

By Councilmember Beal

To place an affirmative roll on the substitute resolution

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Allen absent and unexcused for this vote)

RESOLUTION #501
BY COUNCILMEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, American society and culture are experiencing rapid changes, many of which have exacerbated the generation gap and the tendency of young people to ignore the workings of our government; and

WHEREAS, the dismantling of federal domestic programs over the past 15 years has caused more problem-solving responsibility to be placed in the hands of local government officials, both elected and appointed; and

WHEREAS, local governments also face the extreme challenge of motivating the younger generation to help tackle community problems through active involvement in neighborhood and other civic organizations; and

WHEREAS, a dynamic partnership between public education and local government is needed to bring life, interest and commitment to the lessons of American Government and U.S. History;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby establishes a new policy that it shall be an annual priority for this City Government to create events and opportunities for students in local schools to participate in government decision making; and

BE IT FURTHER RESOLVED as part of this policy there shall be created a high school Government Day, during which students can be involved in City Government at a "hands-on" level; and

BE IT FINALLY RESOLVED the Mayor, Clerk, interested Councilmembers, and the appointed officials of Lansing City Government are requested to work cooperatively with the Lansing School District to make Government Day 1996 a meaningful experience for participating students.

By Councilmember Allen

Carried unanimously

RESOLUTION #502
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

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WHEREAS, the Board of Water and Light will honor Phillip E. Hassler at a dinner on October 29th for his 16 years of outstanding service as a member of the Board of Commissioners; and

WHEREAS, Mr. Hassler was appointed to the Board in July 1980, served as Vice Chair for two years beginning in 1984, and also was elected Chairman of the Board in July 1986, remaining in this capacity for the duration of his service; and

WHEREAS, Mr. Hassler's first involvement with the BWL was as a meter reader in 1952, continuing for ten years before changing careers for a position with General Motors Corporation; and

WHEREAS, during his tenure with the Board of Commissioners, Mr. Hassler has helped select the current General Manager, approve the Belle River purchase agreement, and water regionalization, among other BWL milestones, and has been an invaluable asset to the Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes and commends Phillip E. Hassler for the time, effort, and wisdom he gave to our community over the past 16 years as a member and chairperson of the Board of Commissioners of the Board of Water and Light.

By Councilmember Beal

Carried unanimously

RESOLUTION #503
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Board of Water and Light will honor Dr. Eva L. Evans at a dinner on October 29th for her ten years of outstanding service as a member of the Board of Commissioners; and

WHEREAS, Dr. Evans was appointed to the Board in February 1986, served as Vice Chair for two years beginning in July 1994, and also served as a member of the Executive, Finance and Personnel Committees; and

WHEREAS, with her background in public education and her thorough knowledge of Lansing, Dr. Evans has been an invaluable asset to the Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby recognizes and commends Dr. Eva L. Evans for the time, effort, and wisdom she gave to our community over the past ten years as a member of the Board of Commissioners of the Board of Water and Light.

By Councilmember Beal

Carried unanimously

RESOLUTION #504
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$36,663	Est. Rev-General Fund 101-0-170001-0	Police Dept.-Control 101-343201-992200-0
$36,663	Police Dept.-Control 101-343201-992200-0	Police-Rent Payable 101-343201-745100-0

(Rental of Abie House at for!-n-r School for the Blind. Property is to be sublet to CACS with two Police Officers to be housed at this location. Revenue detail account 101-667000-0, from CACS rent proceeds.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$5.,250	C&CS Salaries & Long. 101-173130-702000-0	Computer and Comm.-Prof Serv.-temp Help 101-173130-743050-0

(Contract agency staff during Programmer Analyst's absence due to Worker's Comp.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$20,000	Fund Balance-General Fund 101-0-390001-0	Community Supported Activities-Control 101-834101-992200-0
$20,000	Comm. Supp. Agcy -Ctrl 101-834101-992200-0	Main Street School 101-834101-960220-0

(Contract in support of day care programs, per Council Resolution of May 14, 1996.)

By Councilmember Beal

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
ADDING A NEW CHAPTER, CHAPTER 1612
HAZARDOUS MATERIALS COSTS RECOVERY

By Councilmember Beal:

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That an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 1612, for the purpose of Providing for Hazardous Materials Costs Recovery, was introduced by Councilmember Beal and referred to the Committee on Ways and Means.

RESOLUTION #505
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Beal:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 18, 1996, at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 1612 for the purpose of Providing for Hazardous Materials Costs Recovery

Interested persons are invited to attend this public hearing

INTRODUCTION OF ORDINANCE
REPEALING CHAPTER 274,
HUMAN RESOURCES ADVISORY BOARD

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Chapter 274, for the purpose of Repealing the Provision of the Human Resources Advisory Board, was introduced by Councilmember Benavides and referred to the Committee on General Services.

RESOLUTION 506
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 12, 1996 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Chapter 274 for the purpose of Repealing the Provision of the Human Resources Advisory Board

Interested persons are invited to attend this public hearing

By Councilmember Benavides

To raise from the table the Introduction of Ordinances described on tonight's agenda as Tabled Items XVII A-1, XVII A-2, and XVII A-3, and to substitute Resolutions #506, 507, 508, 509, and 510 for those tabled items

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution setting a public hearing for November 12, 1996 in consideration of an ordinance repealing Chapter 274

Carried unanimously

INTRODUCTION OF ORDINANCE
REPEALING CHAPTER 275,
HUMAN RELATIONS BOARD

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Chapter 275, for the purpose of Repealing the Provision of the Human Relations Board, was introduced by Councilmember Benavides and referred to the Committee on General Services.

RESOLUTION #507
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 12, 1996 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Chapter 275 for the purpose of Repealing the Provision of the Human Relations Board

Interested persons are invited to attend this public hearing

By Councilmember Benavides

To raise from the table the Introduction of Ordinances described on tonight's agenda as Tabled Items XVII A-1, XVII A-2, and XVII A-3, and to substitute Resolutions #506, 507, 508, 509, and 510 for those tabled items

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution setting a public hearing for November 12, 1996 in consideration of an ordinance repealing Chapter 275

Carried unanimously

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INTRODUCTION OF ORDINANCE
REPEALING CHAPTER 297,
HUMAN RELATIONS

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Chapter 297, for the purpose of Repealing the Provisions for Human Relations, was introduced by Councilmember Benavides and referred to the Committee on General Services.

RESOLUTION #508
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 12, 1996, at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Repealing Chapter 297 for the purpose of Repealing the Provisions for Human Relations

Interested persons are invited to attend this public hearing

By Councilmember Benavides

To raise from the table the Introduction of Ordinances described on tonight's agenda as Tabled Items XVII A-1, XVII A-2, and XVII A-3, and to substitute Resolutions #506, 507, 508, 509, and 510 for those tabled items

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution setting a public hearing for November 12, 1996 in consideration of an ordinance repealing Chapter 297

Carried unanimously

INTRODUCTION OF ORDINANCE
ADDING A NEW CHAPTER, CHAPTER 295,
AFFIRMATIVE ACTION

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 295, for the purpose of Establishing and Continuing an Affirmative Action Program within the City of Lansing, was introduced by Councilmember Benavides and referred to the Committee on General Services.

RESOLUTION #509
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 12, 1996, at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 295 for the purpose of Establishing and Continuing an Affirmative Action Program within the City of Lansing

Interested persons are invited to attend this public hearing

By Councilmember Benavides

To raise from the table the Introduction of Ordinances described on tonight's agenda as Tabled Items XVII A-1, XVII A-2, and XVII A-3, and to substitute Resolutions #506, 507, 508, 509, and 510 for those tabled items

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution setting a public hearing for November 12, 1996 in consideration of an ordinance adding a new Chapter, Chapter 295

Carried unanimously

INTRODUCTION OF ORDINANCE
ADDING A NEW CHAPTER, CHAPTER 273,
HUMAN RELATIONS & COMMUNITY SERVICES
ADVISORY BOARD

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 273, for the purpose of Consolidating and Reorganizing the Functions and Purposes of the Human Relations and Human Resources Boards and Establishing a Human Relations and Community Services Advisory Board, Describing It's Functions and Powers, and Providing for Non-discrimination for City employment, was introduced by Councilmember Benavides and referred to the Committee .

RESOLUTION #510
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

A collaborative digitization project of the City of Lansing and Forest Parke Library and Archives - Capital Area District Libraries

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, November 12, 1996, at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 273 for the purpose of Consolidating and Reorganizing the Functions and Purposes of the Human Relations and Human Resources Boards and Establishing a Human Relations and Community Services Advisory Board, Describing It's Functions and Powers, and Providing for Non-discrimination for City employment

Interested persons are invited to attend this public hearing

By Councilmember Benavides

To raise from the table the Introduction of Ordinances described on tonight's agenda as Tabled Items XVII A-1, XVII A-2, and XVII A-3, and to substitute Resolutions #506, 507, 508, 509, and 510 for those tabled items

Carried unanimously

By Councilmember Benavides

To place an affirmative roll on the resolution setting a public hearing for November 12, 1996 in consideration of an ordinance adding a new Chapter, Chapter 273

Carried unanimously

President Jones recessed this meeting of the Lansing City Council at 9:43 P.M. and reconvened the session at 9:50 P.M.

CONSIDERATION OF LATE ITEMS

1. From Councilmember Benavides; a letter from Reverend Lester Stone regarding The March for Justice

REFERRED TO THE COMMITTEE OF THE WHOLE

2. From Councilmember Lilly; Petitions signed by 56 Pastors in the City in opposition to the Civil Rights Ordinances

RECEIVED AND PLACED ON FILE

3. From Councilmember Beal; a Resolution for Transfer of Funds

HANDLED AS RESOLUTION #504

4. From Councilmember Beal; a Substitute Resolution for the Resolution originally contained in tonight's packet approving an agreement between the City of Lansing and the Greater Lansing Amateur Hockey Association for a Domed Ice Skating Rink at Washington Park

HANDLED AS RESOLUTION #500

5. From Councilmember Beal; a Resolution of Tribute to Phillip Hassler, Board of Water & Light Commissioner

HANDLED AS RESOLUTION #502

6. From Councilmember Beal; a Resolution of Tribute to Eva Evans, Board of Water & Light Commissioner

HANDLED AS RESOLUTION #503

7. From Councilmember Beal; a letter from Dave Wiener regarding the deadline for certification of delinquent Stormwater enterprise fund fees

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

8. From Councilmember Allen; a resolution issuing a Policy Statement for Student Government Days

HANDLED AS RESOLUTION #501

9. From Councilmember Novak; a letter from local area pastors in support of the Civil Rights Ordinance

RECEIVED AND PLACED ON FILE

10. From Councilmember Leeman; a letter from Mayor Hollister regarding the availability of SRF Loans through the State of Michigan for the CSO Project

REFERRED TO THE COMMITTEE OF THE WHOLE

11. From Councilmember Beal; a Resolution for Transfer of Funds

HANDLED AS RESOLUTION #504

PUBLIC COMMENTS

Andrew Goldstein of 3628 Fairhills Dr., in Okemos thanked Council for passing the GLAHA resolution for a domed ice rink in Washington Park.

Pastor Glen Ray, Jr., stated his opposition to the civil rights ordinances that will be voted on next Tuesday in the Presidential Election.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Equal Rights Task Force, said that it is his hope to end discriminatory acts against all people

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within the City of Lansing.

Darnell Oldham, Sr., of 3815 Berwick criticized those Councilmembers who voted for the tax abatement, saying that they have ignored this community, just as they have turned a deaf ear to the members of the March for Justice.

David Reed of P.O. Box 6885 in E. Lansing spoke regarding the proceedings at his trial on October 9, 1996. Judge Houck has dismissed his case. He will appeal.

Clyde Smith of 2244 Tecumseh River Dr. thanked everyone who voted for the General Motors Tax Abatement. He spoke in opposition to City of Lansing Proposals 1&2 on the November 5, 1996 Presidential Election Ballot.

Tracy Hampden of 1608 W. Washtenaw asked Councilmembers what they think will happen when the community gets tired of talking. The attitude of the members of the judiciary, legislative, and administrative branches of government are totally inappropriate and unresponsive.

Chris Cotter of 2111 Harding urged Councilmembers to give credit to people who have retention ponds on their property and to people whose property does not drain into the system.

Michael Simon of 310 Seymour asked for clarification of City of Lansing Proposals 1 & 2 and what a yes vote means on both of these proposals.

Lloyd Teets of 116 E. Elm St. stated his endorsements of candidates and proposals on the November 5, 1996 Presidential Election Ballot.

Mark Eggleston of 4001 Heathgate complimented Councilmember Leeman on his new hairdo. He said that the hearing on his lawsuit against the Ingham County Board of Canvassers was to have been on October 16, 1996, but it was postponed by Judge Stell until November 6, 1996 at 2:20 P.M. He stated his opposition to City of Lansing Proposals 1&2.

Marge Ojibway of 310 Seymour stated her opposition to City of Lansing Proposals 1&2.

Jack Davis of 7447 Arapahoe Trail in Okemos thanked Council for passing the tax abatement for General Motors.

COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked the Chamber of Commerce and the United Way for the joint vision session they recently held. She stated her concern over statements made by some of the public who seem to question the reasons that Councilmembers vote the way that they do. She assured the public that Councilmembers always try to act in their best interests.

Councilmember Novak announced the 69th birthday of Rex Gillette, who will celebrate with a Birthday Party at Mijo's. He urged his colleagues to give careful consideration to the Mayor's Letter indicating that SRF Loans will pick up a portion of CSO Project costs, thereby allowing Council to issue a credit for FY 1997 Stormwater Enterprise Fund fees. They need to weigh the benefits of giving a straight, across the board reduction to all properties, or, giving a smaller reduction to the average household and an additional reduction to people who have neither sanitary, nor Stormwater services provided to them. So that these people do not have to pay anything. They should also consider an additional credit to people who have already paid for the separation of their storm and sanitary sewers. These last two groups of residents should not have to pay anything to the system.

Councilmember Allen thanked Member Novak for the Stormwater scenario.

Councilmember Leeman stated that anyone who disagrees with a final decision of City Council, has the option of taking their actions to court.

Council President Jones announced that he will make a speaking appearance this Thursday to a First Grade Class at Moores Park School.

ADJOURNED 11:00 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS NOVEMBER 4, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence, and the Pledge of Allegiance was led by Councilmember Jones.

APPROVAL OF MINUTES

By Councilmember Benavides

To approve the Printed Council Proceedings of October 21, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a letter from Person R. Cole of the Lansing School District requesting remediation by Council of a Public Nuisance problem with houses across from Eastern High School in the 200 Block of Pennsylvania Ave.

2. From Councilmember Beal; a letter from Christopher Costigan of 2111 Groesbeck Ave. regarding the cost to taxpayers for installing stop signs and street barriers

3. From Councilmember Allen; a letter from Attorney on behalf of his clients, Petitions of Z-11-96, 812 St. Joseph

4. From Councilmember Leeman; a substitute resolution for the resolution certifying delinquent 1996 Stormwater Enterprise Fund Fees

SPECIAL CEREMONIES

A. Mike Nystrom, Executive Director of the Building Exchange in Lansing thanked the Mayor and Councilmembers for the positive relationship they have enjoyed with the City. He commended the Administration for building Lansing into a World Class City through projects like the Baseball Stadium, the Lansing Center, and the Rivertrail. He made a presentation to the Mayor of a check in the amount of $2,500 for the Sister Cities Commission. Mayor Hollister thanked the exchange and announced that the donation will be used to finance additional display cabinets for the City Hall Lobby. These cabinets contain memorabilia and gifts presented to the City of Lansing by it's Sister Cities, Otsu, Japan, St. Petersburg, Russia, Saltillo, Mexico. He expressed his pleasure at the growth of the Sister Cities program during his administration. Many more young people are participating in the program than in past years. He urged everyone to stop and view the cases and their contents on the way through the Lobby.

B. Mayor Hollister introduced Yvonne Christopher, along with several representatives of the United States Marine Corp., who announced the kick-off of the "Toys-for-Tots" Campaign which will run from today through December 23, 1996. This program collects toys, games, and funds, to provide Christmas gifts to disadvantaged children in the Greater Lansing Area. Anyone interested in making a donation of toys or money, or who knows of a family who needs help, may call 487-2330.

C. Mayor Hollister introduced Matt Branson from Sexton High School and Jenna Wong from Eastern High School Key Clubs, along with their Advisor Ed Reetz from Kiwanis Clubs who explained that the function of the Key Clubs is to conduct bake sales, car washes and other types of fund raisers for various charities throughout the world. They are currently raising money to help eradicate iodine deficiency. They have raised over $14,000,000 which has been distributed throughout the world to aid in the iodization of salt. Mayor Hollister thanked the students for being exemplary citizens by volunteering their time to try to help other citizens in other countries.

PUBLIC HEARING

A. In Consideration of the Sale of Property by the Board of Water & Light, Property Known as 123 W. Ottawa St. and 221 N. Capitol Ave.

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Lloyd Teets of 116 E. Elm St. stated that this property cannot be declared excess property, if the Board must move it's offices somewhere else. This is necessary property and can only be sold by a vote of the public. He asked Councilmember Leeman to explain to him where the administration of the Board of Water & Light will move to when this building is sold? The second floor of City Hall has Circuit Court Offices which extend into the Board of Water & Light Building. This is sufficient reason not to sell this building. He noted that a year ago the City was proposing to rent three floors of the MUCC building, so why are we selling this property.

Councilmember Beal said that she too is concerned about whether or not this building is actually surplus property. She asked City Attorney Smiertka for an explanation of this requirement. Mr. Smiertka said that the property is owned by the City of Lansing for the use of the Board of Water & Light. In order to be able to sell the property it must not be needed for the operation of the Board. In this way the property could become surplus property as part of a business plan. Council has the option of asking for supporting documentation for the conclusion of the Board that the property is no longer needed.

Councilmember Lilly informed Mr. Teets that the Erickson Station property is being sold for $160,000. The second floor Circuit Court facilities are not included in this of the Board of Water & Light Office Building.

Councilmember Allen asked where the Board of Water & Light will move it's administrative offices.

Paul Vlahakis of Vlahakis Real Estate Co. said that their offer to purchase this property has been accepted by the Board, contingent on City Council's approval. He is here tonight to listen to the public comments and incorporate their suggestions into the presentation that they will make to the Physical Development Committee later this week.

Councilmember Lilly advised Mr. Vlahakis to call Fran Knot, City Council Legislative Assistant, when they are ready to appear before the committee for this presentation.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

B. In Consideration of the Sale of Property by the Board of Water & Light, Property Known as a Portion of 3725 S. Canal Rd., Erickson Station Property

Lloyd Teets of 116 E. Elm spoke in opposition to the sale of this property, and asked how much the City would receive for it's interest in it.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

C. In consideration of Z-13-96, NE Corner of W. Saginaw and Westmoreland Streets, Petition for Rezoning from "B" Residential to "DM-4" Residential Districts filed by St. Lawrence Hospital for incorporation of the Public Parking Lot Property into the Hospital Parking Lot

Mark Canady of 313 S. Washington spoke in support of this rezoning. He offered to answer any questions Councilmembers may have.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENT

Frank Curtis "X", no address given, spoke regarding the letter from Reverend Stone on the March for Justice. The people involved in the March are having trouble getting access to information that they need from the city. They have a right to this information.

Connie Delaney of 3721 Aurelius Rd. stated that in 1988 she paid a special assessment for the separation of her sewers. She also had a retention basin put in on her property. She has received no credit for the steps she took to reduce the amount of material she puts into the system. She welcomed the administration to try to collect these fees from her. She asked if there would be an attempt to place these fees on her tax bill. She will not give up on this, nor will she give in. She urged rescission of the Stormwater Enterprise Fund fees ordinance.

Lloyd Teets of 116 E. Elm St. said that under the current sewer rate methodology residential customers pay $1,410,432.00 to the system. Industrial and Commercial Customers contribute $173,568. He accused the Board of Water & Light of fraud. According to their reports there are people watering their lawns in December, November, January and February.

Mark Eggleston of 4001 Heathgate spoke in support of the Stormwater Enterprise Fund fee credit for FY 1997.

Tom Lafferty of 1806 W. Michigan urged Council to reconsider and rescind the Stormwater Enterprise Fund fees ordinance.

Councilmember Beal announced that the

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Committee of the Whole has adopted a resolution to engage the services of an outside consultant to analyze this entire program. Additionally, the five year review of the NPDES program is coming soon.

Tom Hearnley of 3425 Palmer said that people who have already paid to separate their sewers should be given a Stormwater Enterprise Fund fee credit in the same amount that they have already paid. He questioned the credibility of the appeals process. He filed a written appeal and never received any hearing at all, not even a phone call. He got a form letter that was not even relevant to his appeal. He knows of others in similar circumstances.

Councilmember Allen reiterated that Council has decided to get a "second opinion" of this program from an independent consultant.

Councilmember Leeman said that the story of not having your appeal heard by the Public Service Department is not a new one. This happened to one of his neighbors.

Helen Fiser of 12100 S. Cork in Morrice, urged repeal of the Stormwater Enterprise Fund fee ordinance. Council should go back to step one and fix the mess that has been created.

Gerald Graves of 1623 S. Genesee Dr. said that Councilmembers bought a "bill of goods" when they set up the CSO program and the Stormwater Enterprise Fund fee ordinance. He urged Council to return to a commodities based fee.

Chris Cotter of 2111 Harding said that the City is too concerned about the environment of the Grand River. They have not tested this water on a regular basis in over 6 years. Anytime a project has design modifications taking place, there is an implied responsibility to continue to monitor the water. Weekly monitoring would not be costly. The people of this city are good natured and willing to make sacrifices where the environment is concerned. We have a responsibility to monitor our resources and to carry on with the design modifications of the sewer system. If the City is getting a new engineer involved, they should make regular monitoring a prerequisite.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Reverend Lester D. Stone, Pastor Friendship Baptist Church regarding Police Brutality and Harassment

REFERRED TO THE COMMITTEE OF THE WHOLE

B. Stormwater Enterprise Fund fee appeals from: Janet J. Hentz 2512 W. Holmes Rd., Ronald & Carol Jones 2818 Stockman Ct., Catherine Moray 5201 Bogart, Dolores Maidlow-Kramer 2806 Forest Rd.,

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

C. Letter from Julane Quick, no address listed, in support of the GLAHA Proposal for a Domed Ice Skating Rink at Washington Park

RECEIVED AND PLACED ON FILE

D. Letter from David R. Penix of 3727 Homewood soliciting the interest of the City of Lansing in the purchase of his properties located at 419 Dorrance, 423 Dorrance and 427-29 Dorrance

REFERRED TO THE MAYOR

E. Letter from Chris Spalding of 1737 N. Fairview opposing a petition requesting the removal of the stop signs recently installed at the intersection of Lyman and N. Fairview

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

F. Letter from Walter M. Jones in support of a change in sewer rate methodology to a commodities based rate

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

G. Letter from the State of Michigan Department of Transportation submitting Contract #96-5502 for Bridge Reconstruction at Highway I-96 BL over the Grand Trunk Western Railroad and the Red Cedar River

REFERRED TO THE MAYOR

H. Letter from David L. Brown, Mayor of Charlotte, in support of the General Motors Tax Abatement for the Verlinden St. facility

RECEIVED AND PLACED ON FILE

I. Notice from the State of Michigan Department of Consumer & Industry Services of the following actions:

-Closure of the Ansley Manor Adult Foster Care Small Group Home licensed to Gracie

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Ansley of 911 W. Hillsdale

-Issuance of a License for the Ansley Manor Adult Foster Care Small Group Home to Joy Mbonu of 911 W. Hillsdale

REFERRED TO THE MAYOR

J. Letter from Reid and Reid in support of the General Motors Tax Abatement for the Verlinden St. facility

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister had no comments at this time.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Attorney re: Roger J. Werner, et ux v City of Lansing, et al

RECEIVED AND PLACED ON FILE

B. Letters from the Mayor re:

1/ Appointment of Brian Taylor to the Building Board of Appeals for a Term to Expire June 30, 1997

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2/ Transfer of Funds: LPD, Planning & Neighborhood Development

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Letter from the Board of Public Service regarding the proposed 4% Sewer Rate Increase

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Public Improvement I, Street Reconstruction on Cavanaugh Rd. from Aurelius Rd. to Pennsylvania Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

5/ Public Improvement I, Curb & Gutter and Storm Drainage Facilities on David St. from new York St. to the East End

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

6/ Green Oaks Request for Acquisition of Property at 824 Prospect St. and Vacant Property on S. Hosmer St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

7/ Request for Appropriation of Community Use Funds for the use of the City's Showmobile by the Latin American Cultural Center

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

8/ Grant Acceptance; Drug Apprehension and Forfeiture Program Asset Seizure Unit

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

9/ Cellular Tower Improvements at West Side Park

REFERRED TO THE CITY ATTORNEY AND THE PLANNING BOARD

10/ Letter from Lansing Housing Commission regarding the Housing and Urban Development regarding Housing Subsidy's arranged for 24 tenants of Temmer Meadows Housing Development

RECEIVED AND PLACED ON FILE

11/ Consumers Power Co. "Typical Bill Comparison" report on Electric Rates submitted by the Board of Water & Light

RECEIVED AND PLACED ON FILE

12/ Letter of Appreciation from Nicolette L. Rose and George Wummel to the Lansing Police Department

RECEIVED AND PLACED ON FILE

13/ Letter of Appreciation from Kevin C. O'Malley to Dennis J. Sykes and Jack Nelson

RECEIVED AND PLACED ON FILE

14/ Letter of Appreciation from Garry VandeVusse to the Lansing Police Department

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #511
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, to whom was referred rezoning petition Z-11-96, 800 East St. Joseph Street, to be rezoned from E-1 Apartment/Shop District and C Residential District to H Light Industrial District,

REPORTS AS FOLLOWS: The Committee recommends that the rezoning be approved as

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FILED, AND THAT THE Z-11-96 ORDINANCE BE ADOPTED.

SIGNED: RICHARD J. LILLY, CHAIR
PAUL NOVAK
SANDY ALLEN

BY COUNCILMEMBER LILLY:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #512
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, TO WHOM WAS REFERRED REZONING PETITION Z-12-96, 617 WEST IONIA STREET, TO BE REZONED FROM DM-4 RESIDENTIAL DISTRICT TO D-2 RESIDENTIAL/OFFICE DISTRICT,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS THAT THE REZONING BE APPROVED AS FILED, AND THAT THE Z-12-96 ORDINANCE BE ADOPTED.

SIGNED: RICHARD J. LILLY, CHAIR
PAUL NOVAK
SANDY ALLEN

BY COUNCILMEMBER LILLY:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #513
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING, TO WHOM WAS REFERRED SPECIAL LAND USE APPLICATION SLU-3-96, 1149 SOUTH WASHINGTON AVENUE, USE AS CHURCH BY MOVEMENT FOR CHRIST MINISTRIES,

REPORTS AS FOLLOWS: THE COMMITTEE HEREBY INFORMS THE CITY COUNCIL THAT THE SLU APPLICATION HAS BEEN WITHDRAWN.

SIGNED: RICHARD J. LILLY, CHAIR
PAUL NOVAK
SANDY ALLEN

BY COUNCILMEMBER LILLY:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #514
REPORT OF COMMITTEE

THE PUBLIC SAFETY COMMITTEE

TO WHOM WAS REFERRED THE MAYOR'S REPORT ON A PETITION REQUEST TO ADD A LEFT TURN PHASE TO THE TRAFFIC SIGNAL AT THE INTERSECTION OF DOUGLAS AVENUE AND LARCH STREET.

THE TRANSPORTATION DIVISION, TRAFFIC BOARD AND MAYOR RECOMMEND THAT THE REQUEST TO ADD A LEFT TURN PHASE TO THE TRAFFIC SIGNAL, FOR NORTHBOUND AND SOUTHBOUND LARCH STREET AT THE INTERSECTION OF DOUGLAS AVENUE BE APPROVED. THE COMMITTEE HAS REVIEWED THE REPORT FROM THE ADMINISTRATION AND CONCURS THAT THE REQUEST TO ADD A LEFT TURN PHASE TO THE TRAFFIC SIGNAL, FOR NORTHBOUND AND SOUTHBOUND LARCH STREET AT THE INTERSECTION OF DOUGLAS AVENUE BE APPROVED AND RECOMMEND THAT THE MICHIGAN DEPARTMENT OF TRANSPORTATION INCLUDE THIS CHANGE WHEN THE TRAFFIC SIGNAL IS MODERNIZED.

SIGNED: SANDY ALLEN
HAROLD LEEMAN
ELLEN BEAL

PUBLIC SAFETY COMMITTEE

BY COUNCILMEMBER ALLEN

THAT THE REPORT OF THE COMMITTEE BE ADOPTED.

CARRIED UNANIMOUSLY

RESOLUTION #515
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, TO WHOM WAS REFERRED REZONING PETITION Z-10-96, 5326 SOUTH PENNSYLVANIA AVENUE, TO BE REZONED FROM A RESIDENTIAL DISTRICT TO F COMMERCIAL DISTRICT,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS THAT THE REZONING BE APPROVED AS FILED, AND THAT THE REZONING ORDINANCE BE ADOPTED.

SIGNED: HOWARD JONES, CHAIRPERSON
ELLEN BEAL, VICE CHAIRPERSON
JOAN BAUER
TONY BENAVIDES
HAROLD LEEMAN
RICK LILLY
PAUL NOVAK

BY COUNCILMEMBER LILLY

TO AMEND THE COMMITTEE REPORT TO REMOVE COUNCILMEMBER ALLEN'S NAME FROM THE LIST OF COMMITTEE MEMBERS APPROVING THE REPORT, BECAUSE SHE OPPOSED THE REZONING IN COMMITTEE

CARRIED UNANIMOUSLY

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That the report of the Committee be received.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 Councilmember Allen dissenting)

RESOLUTIONS

RESOLUTION #516
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Moore Living Centers are celebrating their 25th Anniversary November 17, 1996; and

WHEREAS, Moore Living Centers were established in 1971, with the assistance of the Michigan State Housing Authority, to provide quality housing options for the developmentally disabled; and

WHEREAS, Moore Living Centers are named for Harold A. Moore, former Lansing City Councilmember, and his wife Marjorie, one of the founders, and a member of three Moore Living Centers Board of Directors; and

WHEREAS, Moore Living Centers opened their doors in 1975 to serve 32 persons in the first two State of Michigan Licensed homes for persons who are developmentally disabled, located at 1401-1409 Georgetown Boulevard on five beautiful acres in South Lansing; and

WHEREAS, Moore Living Center apartments, a seven unit apartment building, was opened in 1981, to house 14 men and women, and is located at 1401 West Jolly Road; and

WHEREAS, in 1983, Moore Living Centers purchased a townhouse, part of Highland Cooperative, to provide an independent living opportunity for two persons; and

WHEREAS, Moore Living Centers in 1985 purchased a home at 1426 Vine Street to provide residents with a diversity of living options; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council commends the founders, the board of directors and the staff of Moores Living Centers on the occasion of their 25th anniversary, and recognizes their untiring efforts and outstanding service in enhancing the quality of life for persons in our community who are developmentally disabled.

By Councilmember Benavides

Carried unanimously

RESOLUTION #517
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, a certain street and public improvements have been constructed and completed within the property commonly known as the Brentwood Condominiums with in the City of Lansing; and

WHEREAS, the owners of said property have offered to convey it, by deed, to the City of Lansing for acceptance of said transfer and the dedications therein for public use and purpose;

NOW THEREFORE, BE IT RESOLVED the City Council hereby approves the acceptance of the transfer, and dedication to public use and purpose, the properties commonly know as Mullholland Drive in Brentwood Condominiums and other properties as described in a certain warranty deed, as executed by Hale-White Development Company on June 8, 1996, which is on file with the City Clerk.

BE IT FURTHER RESOLVED, upon approval as to form of the before mentioned warranty deed by the City Attorney, the City Clerk is requested to forward same to the Ingham County Register of Deeds recordation.

By Councilmember Lilly

Carried unanimously

RESOLUTION #518
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Christine Benn, Chairperson of the Attwood School PTA Traffic Subcommittee, to evaluate the traffic conditions on Attwood Drive. The request was made due to the traffic congestion and confusion that occurs when parents drop off and pick up their children at the school;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the roadway conditions and parking activities;

WHEREAS, the Transportation Division staff presented the results of the study to the Attwood School PTA, at which time potential solutions were generated;

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WHEREAS, the Attwood School PTA formed a Traffic Subcommittee in which the Transportation Division staff would participate in evaluating the proposed solutions to alleviate the traffic congestion on Attwood Drive before and after school;

WHEREAS, following proposal was presented and accepted by the Attwood School PTA and residents along Attwood Drive to try on a 90-day trial period:

Convert Attwood Drive to "ONE WAY" eastbound operation the hours of 8: 00 AM and 4: 00 PM, school days

Prohibit stopping, standing, and parking on the north side of Attwood Drive from Washington Avenue to Manor Drive between the hours of 8:00 AM and 4: 00 PM, school days

Allow unrestricted parking on the south side of Attwood drive from Manor Drive to 730 feet east of Manor Drive, and from 880 feet east of Manor Drive to Washington Avenue

Create a 150 foot "no stopping, standing, or parking" loading/unloading zone on the south side of Attwood Drive from 730 et east o Manor Drive to 880 feet east of Manor Drive

Modify the turn restrictions at the intersection of Attwood Drive and Washington Avenue to reflect the above change

Install "Do Not Enter 8: 00 AM to 4: 00 PM" signs on Attwood Drive at the intersection of Washington Avenue

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on April 16, 1996, implemented a temporary traffic control orders to be effective between the hours of 8:00 AM and 4:00 PM, school days: require all vehicles to travel in an eastbound direction on Attwood Drive between Manor Drive and Washington Avenue; prohibit stopping, standing, and parking on the north side of Attwood Drive from Washington Avenue to Manor Street; prohibit standing and parking on the south side of Attwood Drive except buses in the process of boarding and de-boarding, from 730 feet east of Manor Drive to 880 feet east of Manor Drive; Prohibit turns off of Washington Avenue onto Attwood Drive;

WHEREAS, upon installation of the new signs supporting the above temporary regulations it was discovered that temporary regulations precluded the motor route mail carrier from delivering mail to residents on Attwood Drive because westbound movement was necessary to access the mail boxes on the north side of the street;

WHEREAS, the Transportation staff met with representatives of the Postal Service to generate an alternate plan;

WHEREAS, the modified plan required changing the times of the "ONE WAY" eastbound operation on Attwood Drive, to be effective between the hours of 8: 00 AM and 10:00 and between the hours of 2:00 PM and 4:00 PM;

WHEREAS, the Attwood School PTA accepted the change of time for the "ONE WAY" eastbound operation of Attwood Drive;

WHEREAS, the Lansing Police Department and the Lansing School District Public Safety Officers were present to inform and explain to parents and residents, the changes in parking and traffic control during the week of their implementation;

WHEREAS, site visits to the area have confirmed that the temporary parking and traffic control regulations are effective in alleviating confusion and congestion on Attwood Drive;

WHEREAS, based upon the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to make permanent the temporary parking and traffic control regulations as modified;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order Numbers (TCO) 96-041, 96-042, and 96-043 thereby authorizing the Transportation Engineer to make permanent the temporary parking and traffic control regulations associated with the operational changes on Attwood Drive between Manor Drive and Washington Avenue, and at the intersection of Attwood Drive and Washington Avenue;

BE IT FINALLY RESOLVED that Traffic Control Order 96-041, 96-042, and 96-043 shall become effective when signed by the Transportation Engineer and filed with the City

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Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #519
BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council has approved in concept an agreement with the Greater Lansing Amateur Hockey Association (GLAHA) for development of a domed ice rink in South Washington Park; and

WHEREAS, the Mayor has forwarded Draft #13 of a license agreement between the City and GLAHA that specifies the terms and financial obligations of each party in this effort;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes the Mayor to execute the attached License Between the City of Lansing and the Greater Lansing Amateur Hockey Association.

By Councilmember Beal

Carried unanimously

LICENSE
BETWEEN THE CITY OF LANSING
AND THE
GREATER LANSING
AMATEUR HOCKEY ASSOCIATION

THIS LICENSE, made this _____ day of _____, 1996, by and between the CITY OF LANSING as Licensor, a Michigan municipal corporation, hereinafter referred to as "City", and the GREATER LANSING AMATEUR HOCKEY ASSOCIATION as Licensee, a Michigan Not-For-Profit Corporation, hereinafter referred to as "GLAHA".

WHEREAS, GLAHA is engaged in the operation of an amateur hockey program which serves youth in the Greater Lansing Area; and,

WHEREAS, GLAHA has the need for additional ice time to maintain and expand their program; and,

WHEREAS, the City has available space located at Washington Park to provide for another ice rink therefore increasing the availability of ice time; and,

WHEREAS, the City wishes to preserve recreational opportunities for Lansing residents at the City's ice rink facility at Washington Park and ensure the ice rink's financial viability into the future; and,

WHEREAS, the parties have agreed on a program set forth in the License which will accomplish the goals of both parties.

NOW THEREFORE, based upon the above premises and the terms, conditions and covenants hereinafter set forth, it is hereby mutually agreed between the parties as follows:

1. The parties shall mutually cooperate to redevelop the Washington Park Ice Rink facility to provide both enclosed and outdoor skating facilities in accordance with the terms, conditions and covenants set forth in this License. The redevelopment and all construction shall be performed in accordance with all building and zoning codes, ordinances, and the plans and specifications agreed upon by the parties

2. The parties mutually agree that a fundamental consideration by the City is the elimination or reduction of the City's current operating deficit at the Washington Park ice arena which deficit is estimated to be ONE HUNDRED THOUSAND ($100,000.00) DOLLARS per fiscal year; the elimination of which, will allow the City to apply the current amount of said subsidy to a repayment of the Park Millage Fund.

GLAHA represents that this License, together with the additional income to be generated from the new enclosed facility, will eliminate or reduce the operation deficit. In support of that representation and belief, GLAHA agrees to hold the City harmless and to share the risk of the new operation creating or continuing a deficit by way of the following:

In the event that the operations of the Washington Park ice rink results in an operating deficit for any ice season during the pendency of this agreement (as the term ice season is defined herein), GLAHA shall reimburse the City in an amount equal to fifty (50%) percent of any deficit over and above THIRTY THOUSAND ($30,000.00) DOLLARS. If the deficit in any fiscal year exceeds ONE HUNDRED THOUSAND ($100,000.00) DOLLARS, then GLAHA shall pay at a rate sufficient to reduce the deficit to ONE HUNDRED THOUSAND ($100,000.00) DOLLARS; any consequent reimbursement shall be due and payable over the course of the next ensuing ice season. A representative from GLAHA and the City administration and City Council shall meet at the beginning and end of each ice season and at any other such time as may be necessary, to determine an agreed upon formula for determining whether a surplus or deficit exists. Such formula will include an agreed upon listing of costs and expenses.

In the event that the operations of the

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Washington Park ice rink results in an operating deficit of THIRTY THOUSAND ($30,000.00) DOLLARS or less, then GLAHA shall be entitled to receive fifty percent (50%) of the difference between a THIRTY THOUSAND ($30,000.00) DOLLAR deficit position and the year-end actual deficit. Said difference shall be first applied to any outstanding reimbursement due to the City arising out of prior deficits and any remaining surplus shall be applied to the reduction or recoupment of GLAHA's capital costs.

3. The parties mutually agree that the project shall be performed in the following manner:

(a) GLAHA agrees, at their sole cost and expense, to purchase and install an air-supported dome structure, approved by the City, to enclose a new ice rink surface to be built at Washington Park. The City agrees to contribute TWO HUNDRED FORTY-FIVE THOUSAND ($245,000) DOLLARS, or less, towards completion of the project. All costs associated with the construction of the air supported dome shall be the responsibility of GLAHA. The dome structure to be installed shall be a Yeadon, and shall be installed in accordance with the specifications of the manufacturer. GLAHA agrees to submit its construction schedule and a description of the construction means, methods and techniques prior to the commencement of construction to the Director of Parks and Recreation or his/her designee for his/her approval. Following the execution of this License, GLAHA shall proceed expeditiously to obtain a building permit. Construction and installation shall commence no later than sixty (60) days from the date of the issuance of the building permit unless both parties mutually agree to extend in accordance with the terms of modification contained herein.

(b) At its sole cost and expense, GLAHA shall develop and install a sheet of artificial ice at a location and in a form approved by the City. GLAHA shall provide all materials and labor to provide this ice rink surface with hook-ups and connections to the necessary compressors, apparatus, and equipment located at Washington Park. Prior to installation, GLAHA, by and through their contractor, shall provide the City with a certificate that the existing equipment, additions, and modifications are designed for and will support the dual ice surfaces. GLAHA shall, prior to installation, provide the City with the plans for the new surface for which the City shall have the right of review and approval.

(c) Upon completion of the enclosed ice surface and installation of the equipment, GLAHA shall convey all documentation including, but not limited to, Bills of Sale and Warranties and the right to audit at any time. GLAHA further agrees to convey the improvements , the dome, and all attendant equipment to the City free of all liens, encumbrances and security interests. Thereafter, the City shall assume the ownership and all accompanying responsibility for the operation and ongoing maintenance of all ice surfaces, enclosed or unenclosed. The City agrees to reasonably and promptly make and complete all necessary repairs and replacements in a workmanlike manner and shall repair any and all damage to assure no disruptions to any priority ice time. The City agrees at it sole cost and expense, to provide a hard-surfaced, properly-drained and landscaped parking area or parking areas and other common areas of the rink. The City shall maintain in good condition all of the parking areas.

4. In consideration of the development by GLAHA as set forth herein, the City agrees to provide GLAHA priority ice time in the enclosed dome rink surface for a total of not more than 962 hours during the periods October 1 to March 31 of each year (the "Season"). Priority ice time shall be from 3:00 p.m. to 10:00 p.m. during the period Monday through Thursday and 9:00 a.m. to 12:00 noon on Saturday and 9:00 a.m. to 3:00 p.m. on Sunday. Priority ice time shall be utilized by GLAHA for purposes related to its amateur hockey program and for no other purposes. GLAHA agrees to contract for the use of no less than 754 hours of ice time in the enclosed dome rink each year at fees more particularly set forth herein. If this License is implemented after November 1, 1996, the initial year shall be pro-rated. GLAHA shall provide to the Director of Parks and Recreation or his/her designee, their seasonal amateur hockey program schedule by September 1 of each year. This schedule is based on a minimum of 29 hours per week for a minimum of 754 hours of ice time per season. Additional hours to incorporate the 962 hours may be scheduled. GLAHA shall have flexibility to schedule Friday sessions during the month of October only subject to the established public skating schedule. GLAHA's additional schedule shall be provided in writing to the Director of Parks and Recreation or his/her designee by the 15th of each month to allow the Parks and Recreation Department sufficient time to post notice for ice time availability for the following calendar month. If on the 16th of the month the remaining priority hours for the following month are not scheduled by GLAHA then the hours shall become \available for the Lansing Public Schools on that date.

5. In further consideration, the City shall accord GLAHA the opportunity to recover the capital costs including all financing costs and interest associated with the installation of the enclosed ice facility in the following manner:

(a) a discounted rental rate as established in paragraph seven (7) of this License;

(b) a percentage of rental revenues

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RECEIVED BY THE CITY AS DELINEATED IN PARAGRAPH EIGHT (8) OF THIS LICENSE; AND,

(C) A PRIVILEGE TO RETAIN THAT PORTION OF REVENUE GENERATED BY THE SALE OF ADVERTISEMENTS AND PROMOTIONS AS STATED IN PARAGRAPH NINE (9) OF THIS LICENSE. (D) CAPITAL COSTS INCLUDE ALL FINANCING COSTS AND INTEREST ASSOCIATED WITH THE PURCHASE AND INSTALLATION OF THE DOME, CONCRETE BEAM AND FLOORING, REFRIGERATION SYSTEM, CHILLER AND TOWER, RINK BOARDS, DOME ELECTRIC/LIGHTING AND DOME INFLATION AND ALARM SYSTEM, AND ALL COSTS INCURRED BY GLAHA IN THE INSTALLATION AND CONSTRUCTION OF THE DOME ICE FACILITY; NOT TO EXCEED FOUR HUNDRED AND FIFTY THOUSAND ($450,000.00) DOLLARS EXCLUSIVE OF FINANCING COSTS AND INTEREST ONLY.

6. THE PARTIES AGREE THAT OTHER THAN THE FEES CHARGED TO GLAHA UNDER PARAGRAPH SEVEN (7), THAT GLAHA SHALL BE REQUIRED TO PAY NEITHER MAINTENANCE NOR OPERATING COSTS ASSOCIATED WITH THE OPERATION OF THE WASHINGTON PARK ICE FACILITIES; SUBJECT TO THE REQUIREMENTS OF PARAGRAPH TWO (2).

7. GLAHA SHALL BE INVOICED BY THE CITY FOR THEIR PRIORITY ICE TIME RENTALS ON A MONTHLY BASIS. PAYMENT SHALL BE RECEIVED BY THE CITY WITHIN THIRTY (30) CALENDAR DAYS FROM THE DATE OF THE INVOICE. GLAHA SHALL PAY FOR RENTAL HOURS BASED ON THE FOLLOWING RENTAL SCHEDULE:

(A) $50.00 PER HOUR THROUGH MARCH 31, 2001; AND

(B) $100.00 PER HOUR FROM OCTOBER 1, 2001 THROUGH MARCH 31, 2003; (D) IF GLAHA RECOUPS ITS CAPITAL COSTS, FINANCING COSTS AND INTEREST AS NOTED IN PARAGRAPH FIVE (5) BEFORE MARCH 31, 2003, THEN GLAHA SHALL PAY THE FULL DOME HOURLY RENTAL RATE AS THEN ESTABLISHED BY THE LANSING CITY COUNCIL.

8. FROM THE EXECUTION OF THIS LICENSE AND ENDING MARCH 31, 2000, THE CITY SHALL PAY GLAHA THIRTY (30%) PERCENT OF THE GROSS RINK REVENUES, EXCLUSIVE OF GLAHA'S RENTAL TIME AND THOSE RENTAL TIMES APPROVED BY THE LANSING CITY COUNCIL FOR THE LANSING PUBLIC SCHOOLS AND LANSING NOT-FOR-PROFIT ORGANIZATIONS. THIS AMOUNT SHALL BE DEDUCTED FROM GLAHA'S RENTAL AMOUNT DUE AS STATED ABOVE. THIS THIRTY (30%) PERCENT SHALL BE CREDITED TOWARDS GLAHA'S TOTAL CAPITAL RECOUPMENT COSTS ONLY, AND MAY BE CREDITED TO GLAHA'S RENTAL AMOUNT DUE AS NOTED IN PARAGRAPH SEVEN (7).

9. THE CITY AGREES TO GIVE GLAHA AN EXCLUSIVE RIGHT TO SELL ADVERTISING AND TO SECURE PROMOTIONAL FUNDING ASSOCIATED WITH THE GLAHA PROGRAM IN THE DOME. THE CITY FURTHER AGREES TO ALLOW GLAHA THE RIGHT TO RETAIN THE REVENUE GENERATED BY GLAHA FOR THE SALE OF ADVERTISEMENTS OR PROMOTIONS ASSOCIATED WITH THE GLAHA PROGRAM UNTIL ALL CAPITAL COSTS ARE RECOVERED. ALL REVENUE FROM ADVERTISEMENTS OR PROMOTIONS SHALL BE APPLIED TOWARDS GLAHA'S CAPITAL COSTS ONLY. GLAHA SHALL PLACE NO SIGN OR ADVERTISEMENT UPON ANY PROPERTY OF THE PARKS AND RECREATION DEPARTMENT EXCEPT THE INTERIOR OF THE DOME AND WITH THE PRIOR WRITTEN APPROVAL OF THE DIRECTOR OF PARKS AND RECREATION OR HIS/HER DESIGNEE. THE PARTIES MUTUALLY AGREE TO MARKET AND PROMOTE THE BEST USE OF THIS FACILITY IN ORDER TO MAXIMIZE REVENUES SUBJECT TO ANY EXCEPTIONS CONTAINED HEREIN.

10. GLAHA AGREES TO PROVIDE THE CITY WITH AN ANNUAL ACCOUNTING OF THE STATUS OR ANY RECOUPED CAPITAL. GLAHA FURTHER AGREES TO PROVIDE THE CITY WITH ACCESS TO ITS BOOKS AND RECORDS FOR THE PURPOSE OF REVIEWING THE RECOUPMENT OF CAPITAL BY GLAHA.

11. GLAHA SHALL NOT ASSIGN OR TRANSFER THIS AGREEMENT, OR SUBLET ANY PART OF THE WORK EMBRACED IN IT, OR ASSIGN OR IN ANY MANNER TRANSFER, MORTGAGE OR ENCUMBER THE PROPERTY, OR ANY ESTATE OR INTEREST THEREIN, OR OBLIGATION OR RIGHTS THEREUNDER, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY. FURTHER, IT IS AGREED THAT GLAHA SHALL NOT ASSIGN, EITHER LEGALLY OR EQUITABLY, ANY OF THE MONIES PAYABLE TO OR UNDER THIS AGREEMENT OR ITS CLAIM THERETO, WITHOUT THE PRIOR CONSENT OF THE CITY.

12. GLAHA SHALL OBEY AND ABIDE BY ALL THE LAWS OF THE STATE OF MICHIGAN RELATING TO THE EMPLOYMENT OF LABOR, AND ALL LAWS AND REQUIREMENTS OF THE CITY OF LANSING, COUNTY OF INGHAM, AND STATE OF MICHIGAN WHICH REGULATE OR APPLY TO THE CONSTRUCTION AND INSTALLATIONS.

13. GLAHA SHALL SUBMIT PROOF THAT IT IS DULY IN INCORPORATED AND IN GOOD STANDING AS A MICHIGAN CORPORATION AND SHOW EVIDENCE OF SUCH INCORPORATION TO THE CITY BY SEPTEMBER 1 OF EACH YEAR.

14. GLAHA SHALL BE SOLELY RESPONSIBLE FOR AND SHALL INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY, ITS AGENTS, OFFICERS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, DAMAGES, AND LOSSES; SPECIFICALLY INCLUDING, BUT NOT LIMITED TO, THOSE FOR LOSS OF USE OF PROPERTY, FOR DAMAGE TO ANY PROPERTY, REAL OR PERSONAL, FOR INJURY TO OR DEATH OF ANY PERSON INCLUDING BUT NOT LIMITED TO EMPLOYEES AND OFFICERS OF THE CITY AND FOR ALL OTHER LIABILITIES WHATSOEVER INCLUDING RELATED EXPENSES AND ACTUAL ATTORNEY'S FEES IN ANY WAY SUSTAINED OR ALLEGED TO HAVE BEEN SUSTAINED, DIRECTLY OR INDIRECTLY, BY REASON OF OR IN CONNECTION WITH:

A) THE PERFORMANCE OF THE WORK BY OR ANY OTHER ACTIVITIES OF GLAHA, ITS EMPLOYEES OR AGENTS OR OFFICERS INCLUDING BUT NOT LIMITED TO THE USE OF ANY EQUIPMENT OR MATERIAL FURNISHED BY GLAHA IN THE COURSE OF THEIR HOCKEY PROGRAM; OR,

B) THE PRESENCE OF GLAHA, ITS EMPLOYEES, AGENTS OR OFFICERS ON THE PREMISES OF THE CITY, WHETHER SUCH CLAIMS, SUITS, DAMAGES, LOSSES AND LIABILITIES ARE BASED UPON OR RESULT IN WHOLE OR IN PART FROM THE ACTIVE OR PASSIVE NEGLIGENCE OF THE CITY, ITS EMPLOYEES, AGENTS OR OFFICERS OR

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THE CITY'S STRICT LIABILITY IN TORT, BREACH OF WARRANTY, BREACH OF CONTRACT, JUST TO INDEMNIFY OR ANY OTHER BASIS OR CAUSE WHATSOEVER WHEREBY THE CITY MIGHT BE HELD LIABLE; PROVIDED, HOWEVER, THAT THE FOREGOING SHALL NOT BE CONSTRUED TO BE AN AGREEMENT TO INDEMNIFY THE CITY AGAINST LIABILITY FOR DAMAGES CAUSED BY OR RESULTING FROM THE SOLE NEGLIGENCE OF THE CITY, ITS AGENTS, EMPLOYEES OR OFFICIALS, UNDER CIRCUMSTANCES WHEREBY SAID AGREEMENT WOULD BE IN VIOLATION OF MICHIGAN PUBLIC ACT 1966, NO. 165, SECTION 1 (MCLA SECTION 691.991), IF APPLICABLE. THIS PROVISION SHALL EXTEND BEYOND THE TERM OF THIS AGREEMENT OR FOR ANY ACTIVITY AT THE FACILITY NOT INVOLVING GLAHA.

15. THE PARTIES MUTUALLY AGREE THAT GLAHA WILL NOT DISCRIMINATE AGAINST ANY EMPLOYEE OR APPLICANT FOR EMPLOYMENT OR IN PROVIDING SERVICES UNDER THIS LICENSE ON ANY ILLEGAL BASIS INCLUDING MARITAL STATUS, HEIGHT, WEIGHT, AGE, RELIGION, SEX, SEXUAL ORIENTATION, RACE, CREED, COLOR, OR NATIONAL ORIGIN. FURTHER, THE GLAHA SHALL REQUIRE A SIMILAR COVENANT ON THE PART OF ANY SUBCONTRACTOR EMPLOYED IN THE PERFORMANCE OF THIS LICENSE.

16. DURING THE TERMS OF THIS LICENSE, GLAHA SHALL PROCURE AND MAINTAIN THEIR AFFILIATION STATUS WITH THE USA HOCKEY ASSOCIATION. GLAHA SHALL OBTAIN LIABILITY COVERAGE THROUGH USA HOCKEY ASSOCIATION FOR EACH INDIVIDUAL AND SHALL PROVIDE PROOF OF SUCH COVERAGE TO THE CITY.

17. ANY NOTICE, DEMAND, REQUEST OR OTHER INSTRUMENT WHICH MAY BE OR IS REQUIRED TO BE GIVEN UNDER THIS LICENSE, SHALL BE SENT BY UNITED STATES CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTAGE PREPAID, AND SHALL BE ADDRESSED:

(A) IF TO THE CITY OF LANSING:

DIRECTOR
PARKS AND RECREATION DEPT.
4TH FLOOR, CITY HALL,
LANSING, MICHIGAN 48933

WITH COPY TO:
CITY ATTORNEY
5TH FLOOR, CITY HALL
LANSING, MI 48933

OR SUCH OTHER ADDRESS AS CITY MAY DESIGNATE BY WRITTEN NOTICE; AND

(B) IF TO GLAHA:

GLAHA
P. O. BOX 1238
EAST LANSING, MI 48826

OR SUCH OTHER ADDRESS AS GLAHA MAY DESIGNATE BY WRITTEN NOTICE.

18. AS A CONSIDERATION OF THIS LICENSE TO DEVELOP THE DOME, THE CITY AGREES TO PROVIDE:

(A) REMOVABLE CHANGING ROOMS IN THE DOME TO ACCOMMODATE FOUR (4) TEAMS AT ANY ONE TIME;

(B) PROVISIONAL DRESSING AREAS IN THE DOME FOR FEMALES;

(C) DRESSING AREAS IN THE DOME FOR REFEREES AND OFFICIALS;

19. AS A FURTHER CONSIDERATION OF THIS LICENSE THE CITY AGREES TO PROVIDE:

(A) FOUR (4) PORTABLE STANDS;

(B) ONE 4X8 BULLETIN BOARD FOR USE BY LICENSEE;

(C) MATTING MATERIAL TO INSURE SAFE PASSAGE FROM ALL AREAS WHERE SKATES WOULD BE WORN TO THE RINK SURFACES.

(D) TEAM BENCHES, PENALTY BOXES AND SCORERS AREA (ADJOINING ENCLOSED ICE SURFACE);

20. THIS LICENSE IS SUBJECT TO THE APPROVAL OF THE LANSING CITY COUNCIL AND IS NOT BINDING ON THE PARTIES WITHOUT SUCH APPROVALS. NO AMENDMENT, MODIFICATIONS OR ALTERATIONS OF THE TERMS OF THIS LICENSE SHALL BE BINDING UNLESS IN WRITING AND APPROVED BY THE LANSING CITY COUNCIL SUBSEQUENT TO THE DATE HEREON AND DULY EXECUTED BY THE PARTIES HEREIN.

21. IN THE EVENT THAT EITHER PARTY HERETO SHALL MATERIALLY BREACH, VIOLATE OR FAIL TO FULLY PERFORM ANY PROVISION CONTAINED IN THIS LICENSE, THE NON-BREACHING PARTY MAY UPON SIXTY (60) DAYS WRITTEN NOTICE THEREOF, TERMINATE THIS LICENSE; PROVIDED, HOWEVER, THAT THE DEFAULTING PARTY SHALL HAVE THE RIGHT AND OPPORTUNITY TO CURE THE DEFAULT WITHIN SAID SIXTY (60) DAY PERIOD. IN THE EVENT THAT SUCH BREACH, VIOLATION OR NON-PERFORMANCE IS NOT CURED WITHIN SAID SIXTY (60) DAY PERIOD, THEN THIS LICENSE SHALL TERMINATE UPON THE EXPIRATION OF SUCH PERIOD AND THE NON-BREACHING PARTY SHALL THEREUPON HAVE THE RIGHT TO EXERCISE SUCH ADDITIONAL RIGHTS OR REMEDIES AS THEY MAY HAVE BY LAW.

22. THE RIGHTS AND OBLIGATIONS CREATED BY THIS LICENSE ARE EXCLUSIVE AND SHALL NOT BE TRANSFERRED OR ASSIGNED EXCEPT BY THE WRITTEN AGREEMENT OF BOTH THE CITY AND GLAHA.

23. THIS LICENSE SHALL COMMENCE ON THE DATE OF ITS FULL EXECUTION AND, UNLESS TERMINATED EARLIER PURSUANT TO THE PROVISIONS OF PARAGRAPH TWENTY-ONE (21) OR OTHERWISE MODIFIED AS PROVIDED FOR HEREIN, SHALL TERMINATE ON MARCH 31, 2003; OR AT SUCH TIME THAT GLAHA'S CAPITAL COSTS, INCLUDING FINANCING COSTS AND INTEREST, ARE RECOUPED, WHICHEVER OCCURS FIRST. THE PARTIES ACKNOWLEDGE THE INTENT THAT GLAHA'S CAPITAL COSTS BY WAY OF COST RECOUPMENT AS SET FORTH IN THIS AGREEMENT AND THE CITY'S REIMBURSEMENT TO THE PARK MILLAGE FUND BY WAY OF DEFICIT REDUCTIONS SHALL BE ACCOMPLISHED DURING THE TERM OF THIS LICENSE.

24. GLAHA SHALL HAVE THE OPTION TO SCHEDULE FOR PRIORITY ICE TIME FOR FOUR (4) YEARS FOLLOWING THE TERMINATION OF THIS LICENSE AT AN HOURLY RATE AS THEN DETERMINED AND ESTABLISHED BY THE LANSING CITY COUNCIL;

25. THE COVENANTS, CONDITIONS, RIGHTS AND OBLIGATIONS CREATED HEREIN AND THIS LICENSE ENTERED HERETO SHALL NOT BE EFFECTIVE OR COMMENCED UNTIL SUCH TIME AS FINANCING SUFFICIENT TO CONSUMMATE THIS TRANSACTION HAS BEEN OBTAINED AND SECURED BY GLAHA.

26. GLAHA AGREES TO DEVELOP AND PRESENT

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TO THE LANSING CITY COUNCIL BY JULY 1, 1997, A PROGRAM DESIGNED TO PROVIDE OPPORTUNITY FOR PARTICIPATION IN ITS PROGRAM OF YOUTH HOCKEY FOR UP TO TWENTY-FIVE (25) LOWER INCOME YOUTHS RESIDING WITHIN THE CITY OF LANSING. GLAHA SHALL ANNUALLY REPORT AT THE END OF EACH ICE SEASON THE EXTENT OF ITS LANSING RESIDENCY PARTICIPATION.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED AND EXECUTED THIS LICENSE TO BE EFFECTIVE AS OF THE DATE FIRST ABOVE WRITTEN.

IN THE PRESENCE OF:

CITY OF LANSING

_____

DAVID C. HOLLISTER, MAYOR

_____

MARILYNN SLADE, CITY CLERK

IN THE PRESENCE OF:

GREATER LANSING AMATEUR HOCKEY ASSOCIATION (GLAHA)

BY: _____

ITS: _____

APPROVED AS TO FORM:

CERTIFICATION AS TO AVAILABILITY OF FUNDS IN ACCOUNT NO. _____:

_____

CHUCK REMENAR, CONTROLLER

_____

JAMES D. SMIERTKA, CITY ATTORNEY

RESOLUTION #520
BY COMMITTEE OF THE WHOLE

RESOLVED, BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, THE DIRECTOR OF PUBLIC SERVICE HAS DETERMINED THE REVENUE NEEDS OF THE STORM WATER ENTERPRISE FUND;

WHEREAS, THE CITY COUNCIL ESTABLISHED A THREE YEAR RATE FOR STORM WATER FEES BASED ON STATE REVOLVING LOAN FUND (SRF) LOANS BEING AVAILABLE IN FISCAL YEAR 96 AND CASH FUNDING OF CSO CONSTRUCTION IN FISCAL YEARS 97 AND 98, AND THE CITY COUNCIL AUTHORIZED THE ADMINISTRATION TO SEEK SRF LOW INTEREST LOANS TO FINANCE THE COST OF FUNDING CSO CONSTRUCTION WHERE POSSIBLE;

WHEREAS, THE ADMINISTRATION RECEIVED NOTIFICATION FROM THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY ON OCTOBER 23, 1996, THAT THESE LOW INTEREST LOANS ARE AVAILABLE FOR THE CSO CONSTRUCTION PLANNED FOR FISCAL YEAR 97, REDUCING THE PROJECTED CASH EXPENDITURES IN FISCAL YEAR 97 IN EXCESS OF 2.5 MILLION DOLLARS;

WHEREAS, THE AD-HOC COMMITTEE ON THE STORM WATER ENTERPRISE FUND, AS ESTABLISHED BY THE CITY COUNCIL, HAS RECOMMENDED THAT STORM WATER CHARGES BE REVIEWED ON AN ANNUAL BASIS AS STATED IN SECTION 1043.06B AND THE METHODOLOGY HAS BEEN ADOPTED BY THE CITY COUNCIL AS PART OF CHAPTER 1043.04 OF THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN;

WHEREAS, THE USE OF SRF LOAN PROCEEDS IN FISCAL YEAR 97 WILL RESULT IN EXCESS CASH BEING ACCUMULATED IN FISCAL YEAR 97 WITHOUT A CREDIT.

NOW, THEREFORE BE IT RESOLVED, THAT, PURSUANT TO SECTION 1043.06B OF ORDINANCE NO. 925, THE LANSING CITY COUNCIL HEREBY AUTHORIZES THE MAYOR TO PROVIDE A ~~THIRTY-FIVE~~ "THIRTY" PERCENT CREDIT TO EACH STORMWATER BILL FOR FISCAL YEAR 1997.

BY COUNCILMEMBER BEAL

TO AMEND THE RESOLUTION IN THE FINAL, "NOW, THEREFORE BE IT RESOLVED" PARAGRAPH TO SAY THAT THE CITY COUNCIL HEREBY AUTHORIZES THE MAYOR TO PROVIDE A 'THIRTY" PERCENT CREDIT TO EACH STORMWATER BILL FOR FISCAL YEAR 1997.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 8

NAYS: 0

BY COUNCILMEMBER BEAL

TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION AS AMENDED

CARRIED UNANIMOUSLY

RESOLUTION #521
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY COUNCIL PASSED A RESOLUTION ON OCTOBER 9, 1995, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER, CHAPTER 1043, TO THE CODE OF ORDINANCES, CITY OF LANSING, ESTABLISHING A STORMWATER ENTERPRISE FUND-,

WHEREAS, THE CITY ISSUED THE 1995 STORMWATER ENTERPRISE FEES ON DECEMBER 22, 1996; AND

WHEREAS, THE CITY TREASURER HAS PROVIDED FOR THE COLLECTION OF THE STORMWATER FEES THROUGH VARIOUS MEANS OF PAYMENTS INCLUDING PARTIAL

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payments, and that these fees have remained delinquent for a period of over six (6) months; and

WHEREAS, appealed Stormwater Enterprise Fees shall not become delinquent until six months after a final decision is reached regarding the appeal, pursuant to Chapter 1043.08 of the Code of Ordinances, City of Lansing; and

WHEREAS, delinquent bills with a balance due of less than $11.01 shall not be placed on the December 1996 tax roll, if a partial payment of the bill has been made; and

~~WHEREAS, the Public Service Department will mail a letter to all property owners whose Stormwater bill is delinquent. This letter will inform the owner of the placement of their delinquent bill on the December 1996 Tax Roll and include the Stormwater Enterprise Fee Appeals Process for the 1996 Stormwater Enterprise bill.~~

NOW, THEREFORE BE IT RESOLVED, THE PUBLIC SERVICE DEPARTMENT IS REQUESTED TO MAIL A LETTER TO ALL PROPERTY OWNERS WHOSE STORMWATER BILL IS DELINQUENT. THIS LETTER WILL INFORM THE OWNER OF THE PLACEMENT OF THEIR DELINQUENT BILL ON THE DECEMBER 1996 TAX ROLL AND INCLUDE THE STORMWATER ENTERPRISE FEE APPEALS PROCESS FOR THE 1996 STORMWATER ENTERPRISE BILL, AS WELL AS A DESCRIPTION OF THE GENERAL CLAIMS REVIEW PROCESS, AND that the City Assessor shall establish roll W-0095, which shall include the property parcels having delinquent Stormwater Enterprise Fee balances due less than $11.01.

BE IT FINALLY RESOLVED, the City Council authorizes the Mayor to affix, within ten days, his warrant directing the City Assessor to place on the December 1996 Tax bill, the 1995 delinquent Stormwater Enterprise Fees as provided by the City Treasurer on or before the 1st of November, 1996.

By Councilmember Beal

To accept a substitute resolution for the original contained in tonight's packet and to accept a friendly amendment proposed by Councilmember Lilly as follows:

To amend the resolution by moving the language in the sixth "WHEREAS" paragraph down to the "NOW THEREFORE BE IT RESOLVED" paragraph and amending that language to substitute the words "THE PUBLIC SERVICE DEPARTMENT IS REQUESTED" for the words "the Public Service Department will" so that the paragraph reads as follows:

'"NOW, THEREFORE BE IT RESOLVED, "THE PUBLIC SERVICE DEPARTMENT IS REQUESTED TO MAIL A LETTER TO ALL PROPERTY OWNERS WHOSE STORMWATER BILL IS DELINQUENT. THIS LETTER WILL INFORM THE OWNER OF THE PLACEMENT OF THEIR DELINQUENT BILL ON THE DECEMBER 1996 TAX ROLL AND INCLUDE THE STORMWATER ENTERPRISE FEE APPEALS PROCESS FOR THE 1996 STORMWATER ENTERPRISE BILL, AND" that the City Assessor shall establish roll W-0095, which shall include the property parcels having delinquent Stormwater Enterprise Fee balances due less than $11.01.'

Carried unanimously

By Councilmember Allen

To amend the resolution to say that the delinquent Stormwater enterprise fund fees will be placed on the July 1997 tax bill

By Councilmember Lilly

To rule Councilmember Allen's amendment out of order because it is not consistent with the ordinance

By Councilmember Allen

To withdraw her motion to amend, and to move that the resolution be tabled

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: 3

NAYS: 4

By Councilmember Novak

To amend the amendment proposed by Councilmember Lilly to add the following after the words 1996 Stormwater enterprise bill: "AS WELL AS A DESCRIPTION OF THE GENERAL CLAIMS REVIEW PROCESS"

Carried unanimously

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

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BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-11-96, PART OF 800 E. ST. JOSEPH ST., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-11-96, PART OF 600 E. ST. JOSEPH ST., BE NOW PASSED

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ORDINANCE #2402

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-11-96, Part of 800 E. St. Joseph St.

Parcel Number: 3301-22-102-004 1, PLAT

Legal Description: THAT PART OF LOTS 4 THRU 8 IN BLOCK OF MANUFACTURER'S ADDITION NO. 1, CITY OF LANSING INGHAM COUNTY MICHIGAN LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY I-496. SAID LAND LOCATED IN SECTION 22, T4N, R2W, CITY OF LANSING, INGHAM COUNTY, MI CONTAINING 0.170 ACRES MORE OR LESS

From "E-1" Apartment Shop and "C" Residential Districts to "H" Light Industrial District

Section 2. All ordinances or parts of ordinances inconsistent with the revisions hereof are hereby repeated.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council

Marilynn Slade, City Clerk

BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-12-96, 617 W. IONIA ST., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-12-96, 617 W. IONIA ST., BE NOW PASSED

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

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NAYS: None

Absent: None

ORDINANCE #2403

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-12-96, 617 W. Ionia St.

Parcel Number: 3301-16-156-101

Legal Description: W 5 FT LOTS 1 & 2 ALSO N 120 FT OF E 35 FT LOTS 11 AND 12 BLOCK 91 ORIG PLAT CITY OF LANSING INGHAM COUNTY MICHIGAN

From "DM-4" Residential to "D-2" Residential/Office District

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Marilynn Slade, City Clerk

BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-10-96, 5326 S. PENNSYLVANIA AVE., BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-10-96, 5326 S. PENNSYLVANIA AVE., BE NOW PASSED

YEAS: Councilmembers Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: Councilmember Allen

ABSENT: None

ORDINANCE #2404

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification on the property described as follows:

Case Number: Z-10-96, 5326 S. Pennsylvania Avenue

Parcel Number: 3305-03-102-091

Legal Description: LOT 17 & S 46 FT LOT 18 PENNSYLVANIA HEIGHTS SUB CITY OF LANSING INGHAM COUNTY MICHIGAN

From "A" Residential District to "F" Commercial District

Section 2. All ordinances or parts of

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ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

Marilynn Slade, City Clerk

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a letter from Person R. Cole of the Lansing School District requesting remediation by Council of a Public Nuisance problem with houses across from Eastern High School in the 200 Block of Pennsylvania Ave.

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS AND THE AD HOC COMMITTEE ON HOUSING

2. From Councilmember Beal; a letter from Christopher Costigan of 2111 Groesbeck Ave. regarding the cost to taxpayers for installing stop signs and street barriers

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. From Councilmember Allen; a letter from Attorney on behalf of his clients, Petitions of Z-11-96, 812 St. Josepn

RECEIVED AND PLACED ON FILE

4. From Councilmember Leeman; a substitute resolution for the resolution certifying delinquent 1996 Stormwater Enterprise Fund Fees

HANDLED AS RESOLUTION #521

PUBLIC COMMENTS

Betty Kost of 1425 McIntyre Crt. spoke in support of the candidacy of her son, David Kost, for Ingham County Sheriff.

Lloyd Teets of 116 E. Elm St. noted that tomorrow is election day. He hopes his vote will count this year. He stated his support for City of Lansing Proposals 1&2.

Ed Simmer of 2609 Dier urged people to get out and vote tomorrow. He stated his endorsement of candidates.

David Reed of P.O. Box 6885 in E. Lansing stated that he cannot file an appeal on the dismissal of his lawsuit against the City of Lansing.

Frank Curtis "X", no address given, announced his advocacy of candidates in tomorrow's election.

Burt Burleson of 1613 Pattengill spoke regarding the FOIA request he submitted. He asked for administrative enforcement of this request.

Tom Lafferty of 1806 W. Michigan Ave. said that Council should not earmark monies already paid into the Stormwater Enterprise Fund for any particular use until the lawsuit that has been filed against this ordinance has been settled.

Bernie Meissner of 635 LaSalle urged a no vote on City of Lansing Proposals 1&2 on tomorrow's Presidential Election Ballot. He told the public that civil rights ordinances will remain in force, as they were prior to Council's adoption of the Amendment on March 18, 1996.

Mark Eggleston of 4001 Heathgate announced that the hearing in his lawsuit against the Ingham County Board of Canvassers will take place this Wednesday at 3:00 P.M. at 333 N. Capitol. He stated his endorsements of candidates and proposals for tomorrow's Presidential Election.

Bob Egan of 733 W. Shiawassee, Co-Chair of the Lansing Equal Rights Task Force and a Member of the City of Lansing Human Relations Board spoke in support of City of Lansing Proposals 1&2 on tomorrow's Presidential Election Ballot. He stated that civil rights in Lansing, Michigan will not exist unless these two proposals are adopted.

Dick Fiser of 12100 reminded Councilmembers that there is an old dump on the south side of Cavanaugh Road, east of the Bridge. There is a 66' right-of-way in this area which is right where they intend to widen the road. There is an environmental cleanup issue here that Council needs to be aware of before they take on this project.

Helen Fiser of 12100 S. Cork urged Council to be cautions about the project for Cavanaugh Rd. public improvement. She agreed with the statements made by her husband, Dick Fiser.

Cheryl VanDeKerkhove of 303 S. Holmes urged voters to vote yes on City of Lansing Proposals 1&2 and to watch the League of Women Voter's debate on this issue which will air again tomorrow morning on Channel 28. She thanked everyone who has supported these two proposals.

Thomas Hearnley of 3425 Palmer St. spoke regarding the surplus funds in the Stormwater Enterprise Fund, stated his endorsement of

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candidates and proposals on tomorrow's Presidential Election Ballot.

COUNCILMEMBERS COMMENTS

Councilmember Bauer commended the young volunteers who spoke during special ceremonies on behalf of the Kiwanis Key Club projects. She reported that the City has received 6 reposals in response to the RFP's for the District Library Study. They will make a decision by tomorrow and expect the study to be completed by January 1st. She urged everyone to get out and vote tomorrow.

Councilmember Beal commented on an article in today's newspaper about skateboarding. She is looking forward to negotiations with E. Lansing on a partnership to construct a skateboarding facility at Ranney Park. She read a portion of an article written by the Ingham County Medical Director regarding the Civil Rights issue. These proposals, she said, prevent people from being fired when their employers discover that they are gay. She urged approval of City of Lansing Proposals 1&2 on tomorrow's ballot. She commended the Sexton Big Red Football Team for winning the Capitol Area Conference Championships and advancing to the playoffs. She congratulated the Eastern High School Quakers for the success of their season. She confirmed the regularly scheduled meeting of the Ways and Means Committee this Wednesday at 4:00 P.M.

Councilmember Novak urged voters to vote yes on City of Lansing Proposals 1&2 on tomorrow's Presidential Election Ballot. He announced the Second Annual Westside Home Tour this Sunday, November 10, 1996 between 1:00 and 5:00 P.M. at a cost of $15.00. This will benefit the Advent House Ministries Homeless Shelter. Tickets are available at Fire Station #7, or interested parties can call 485-4722.

Councilmember Benavides asked City Attorney Smiertka to given an opinion as to when Council, or the public, could expect to see a new Civil Rights Ordinance proposed if the two proposals on tomorrow's ballot fail.

Mr. Smiertka responded that if the ordinance is rejected by the voters, Council can not re-enact the same measure, or a measure with the same provisions for a period of two years. The City would be left with the ordinance as it existed prior to it's amendment on March 18, 1996, which is the fair housing ordinance. This would not contain the three new classifications of protected groups of sexual orientation, familial status, or height & weight. Nor would civil rights protection apply to public accommodations or public employment. If a similar ordinance was adopted, any court of law would look to see if it was a good faith action on the part of the City Council to follow the mandates of the voters, and if not, it would throw the ordinance out. To this end, they would look to see if the issues that were controversial are present in the new ordinance. If another ordinance, different than the one adopted in March, and minus the controversial elements were proposed, it could be adopted.

Councilmember Allen urged voters to get out and vote tomorrow. She congratulated the Fire Department on their Strategic Planning Seminar. They are looking at their strengths and weaknesses and will develop a plan and course of action for addressing them. They will create a stronger Department because of this.

Councilmember Leeman reminded the public that, due to a holiday commemorating Veterans Day, City Hall will be closed next Monday, November 11, 1996. Consequently, the City Council meeting will be held on Tuesday, November 12, 1996. The Veterans Day Parade will take place Monday morning.

Councilmember Jones commended Ms. Hogan's second grade class on the success of their "Mock City Council Meeting". They managed to conduct all of their business within 18 minutes.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener announced that the HOST Program begins this week. He thanked all City Employees who have volunteered to work on this worthwhile project. This is a one hour per week commitment and there are still opportunities for interested parties to volunteer to mentor a student in the Lansing School District. This involves tutoring them in reading, writing and arithmetic.

ADJOURNED 10:10 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS NOVEMBER 12, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by Councilmember Jones

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter from Trappers Cove Apartment Complex in opposition to a change in the Sewer Rate Methodology

2. From Councilmember Allen; a letter from Jackson National Life Insurance Company in opposition to a change in Sewer Rate Methodology

3. From Councilmember Allen; a letter of complaint from the Family of Gary E. Bozek regarding his death at the hands of the LPD START Team

4. From Councilmember Allen; a FOIA from the family of Gary E. Bozek requesting several items of information from the LPD

5. From Councilmember Allen; a letter from Helen Fiser & Connie Delaney regarding Stormwater Enterprise Fund fees.

6. From Councilmember Leeman; a request that the rules be suspended to allow for the addition of a motion for the reconsideration of Z-11-96, 800 E. St. Joseph at the appropriate time on the agenda

By Councilmember Lilly

the questions of the acceptance of the first 5 late items be separated from the acceptance of the last late item proposed by Councilmember Leeman

Carried unanimously

By Councilmember Lilly

To approve acceptance of the first five late items submitted by Councilmember Allen

YEAS: 8

NAYS: 0

By Councilmember Leeman

To approve acceptance of his late item

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1 (Councilmember Lilly dissenting)

PUBLIC HEARINGS

A. In Consideration of an Ordinance Repealing Chapter 274, for the purpose of Repealing the Provision of the Human Resources Advisory Board

Art Walker of 2226 Wellesley Dr., Director of the City of Lansing Human Relations and Community Supported Services Dept. spoke in support of these five ordinances which will result in the consolidation of the Human Relations and Human Resources Advisory Board. The two Departments were consolidated long ago, during reorganization, however, the ordinances consolidating the Boards was not. These ordinances have been through extensive review by the Human Services Committee, and he supports the ordinances as introduced.

Lloyd Teets of 116 E. Elm spoke in support of these five ordinances, however, stated that he felt that the ordinance adding Chapter 273, the Human Relation and Community Services Advisory Board, is not broad enough in scope. It only provides for non-discrimination in City of Lansing employment.

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Reverend Lester Stone, Pastor of Friendship Baptist Church said that he definitely supports the continuation of affirmative action in the City. The City of Lansing needs to guarantee affirmative action rights and protect ethnic minorities from illegal racism. He questioned the language in section 273.06, asking if this is new language, or do these provisions exist in the old ordinance. Mr. Walker responded that these provisions exist in the code as it is currently.

Reverend Stone rebuked this language, which is old language, because it does not allow the board to function according to the way it is written. He criticized this Board, calling it voiceless and spineless and saying that it does not have the ability to "be there" for the community. He demanded that Mayor Hollister and Mr. Walker tell hem what will be done to ensure that this board is more effective in the future.

Mr. Wiener explained that this is the time for the public to give their comments and input on proposed ordinances that are before City Council. Mr. Stone's questions belong more properly in front of the committee.

Councilmember Benavides announced that these issues will be taken up at the next meeting of the General Services Committee on Tuesday, November 19, 1996 at 11:30 in the City Council Conference Room.

B. In Consideration of an Ordinance Repealing Chapter 275, for the purpose of Repealing the Provision of the Human Relations Board

Comments on this Public Hearing were taken in conjunction with the comments on Public Hearing A.

C. In Consideration of an Ordinance Repealing Chapter 297, for the purpose of Repealing the Provisions for Human Relations

Comments on this Public Hearing were taken in conjunction with the comments on Public Hearing A.

D. In Consideration of an Ordinance to Add a New Chapter, Chapter 295, for the purpose of Establishing and Continuing an Affirmative Action Program within the City of Lansing

Comments on this Public Hearing were taken in conjunction with the comments on Public Hearing A.

E. In Consideration of an Ordinance to Add a New Chapter, Chapter 273, for the purpose of Consolidating and Reorganizing the Functions and Purposes of the Human Relations and Human Resources Boards and Establishing a Human Relations and Community Services Advisory Board, Describing It's Functions and Powers, and Providing for Non-discrimination for City employment

Comments on this Public Hearing were taken in conjunction with the comments on Public Hearing A.

PUBLIC COMMENT

Connie Delaney of 3721 Aurelius Rd. urged Council to pass the ordinance on sewer rate methodology and to make sure that the Public has an opportunity to speak at a hearing on this issue. She accused Councilmembers of refusing to allow citizens an opportunity for a public hearing on this issue in the past. She requested roll call votes on both the Sewer Rate Policy Statement Resolution proposed by Councilmember Benavides and on the Ordinance for Introduction by Councilmember Beal.

Helen Fiser of 12100 S. Cork Rd. urged Council to pass the introduction of the Ordinance amending the Sewer Rate Methodology and to allow the public an opportunity for a hearing on this issue. She criticized the process through which Commercial and Industrial Property owners get a property tax abatement at the same time that they receive a reduced sewer rate thanks to the current sewer rate methodology.

Darnell Oldham, Sr. of 3815 Berwick spoke regarding the March for Justice and the death of Edward Swans. No justice has been meted out in the Swans case. They need to give Chief Boles the authority he needs to prosecute the Swans case and to liberate the Board of Police Commissioners on this matter. This is the Mayor's decision and he needs to reverse it.

Claude Ramey of 205 E. Gier thanked Councilmembers for the meetings and progress on the Gier Park renovations.

Lloyd Teets of 116 E. Elm agreed with statements from previous speakers regarding the need for a public hearing on sewer rate methodology. These rates have been rising for the small consumer, since 1988 they have risen by 188%.

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Carol Webster, from the Potter Park Zoological Society, spoke in support of the resolution setting Wonderland of Lights admission fees. She urged everyone to visit the luminary this year and see how it has improved. It gets better and better every year.

Gretchen Couraud, Senior Vice-President of Government Relations and Community Relation for the Chamber of Commerce, resident of E. Lansing, and tax-payer in Lansing, urged Councilmembers to support Councilmember Benavides' Policy Statement on Sewer Rate Methodology Resolution. She opposes a shift to a commodities rate methodology. There is no need for another change. A shift to 100% commodities would unfairly penalize large volume water users. The City, she said, needs more jobs, not less. This change would affect all business in the city; small restaurants, apartment buildings, hospitals, the school district and the City of Lansing itself. It is time to stop the monotonous review of utility rate decisions.

Carl Koenigschecht, no address given, spoke on behalf of General Motors in opposition to a change to a commodities based sewer rate methodology. This change is projected to increase General Motors costs by three quarters of a million dollars annually. The Business Industrial Council opposes revision of the sewer rate methodology. The current structure, which was developed by professionals and consultants, is the most equitable distribution of costs.

John Dobrowolski Chief Financial Officer of Demmer Corporation, spoke in opposition to any change in the sewer rate structure.

Edna Whittier of 1400 Vondel in Holt stated that she is employed inside Lansing. She supports the amendments to the Human Relations Advisory Boards.

Bill Crabtree, Vice President of Finance for the Olofson Corporation, tax-payer in Lansing and resident of Williamston, spoke in opposition to the restructuring of the sewer rate methodology.

Bob Brehnke of 3418 Palmer, speaking on behalf of the Wohlert Corporation, asked Council not to revise the current sewer rate methodology.

Bill Vincent of 1914 Holly Rd. in Leslie, Director of Facilities and Development at Sparrow Hospital, spoke in opposition to a change in the sewer rate methodology. This issue has been visited and re-visited and endorsed by the current Council. It is time to let this issue be. He asked for information on how much staff time has been spent going over and over and over this issue, rather than on more productive efforts. It is time for the City of Lansing to leave this issue along and move forward.

Pam Winslow, on behalf of EDS 905 Southland and 921 Thomas L. Parkway West in Delta Township, spoke in opposition to a change in sewer rate methodology.

Gary Boszak, resident of Okemos, speaking on behalf of General Motors, said that they are a major tax payer in Lansing. He asked Council to reject any proposal to alter the existing sewer rate methodology and/or impose a commodities based charge.

Joe Sohn of Sohn Linen Service 2900 E. Grand River said that they have been doing business in Lansing for over 60 years. They employ 160 people. The proposed change would have an adverse affect on job development in the City of Lansing, as well as the Board of Water & Light Service area.

Alberta Jordan, no address given, spoke in support of the March for Justice and Reverend Lester Stone. She warned the members of the Committee of the Whole to never hem her up in a room and discourage her again.

Reverend Lester Stone of 1603 W. Kalamazoo, Pastor of Friendship Baptist Church, announced that on Monday, November 18, 1996 he will lead a 100 Man March from the East Side of the State Capitol to the City Council Meeting on the 10th Floor of City Hall to address Council regarding injustices in the law enforcement system in Lansing. They do not believe that Mayor Hollister is convinced that there is a problem in the City. The Mayor refuses to admit that the complaint system is broken and does not work. He reported receiving a call from the Bozek's with a request to join the movement.

Tracey Hampton of 1601 W. Washtenaw urged participation in the 100 Man March next Monday at 6:30 P.M. She reported that last week members of the March for Justice met with the Committee of the Whole and were only given ½ hour to speak. This was after they sat and listened to the Committee's entire agenda. The members from the "March" take offense to this treatment. They should have been given information about the way the meeting would be

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run ahead of time. In the future, they want Council to let them know the rules of the game in advance, additionally, they want an apology for the treatment they received on Thursday.

Glen Freeman resident of Delta Township, and President of the Greater Lansing Labor Council said that he has represented the Council for the last couple of years at Committee Meetings on the Sewer Rate Issue. A compromise was developed on this issue, and it was a good compromise, evidenced by the fact that nobody liked it. He urged support for Councilmember Benavides' resolution.

Ammahad Shekarakki of 902 W. Willow chided the public for their lack of support for veterans. Veterans comprise 84% of the homeless population, yet nobody does anything for them.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from William D. and Marion Davis of 2218 Northwest Ave. regarding the Capital Christmas Tree

REFERRED TO THE MAYOR

B. Notice from the State of Michigan Department of Consumer & Industry Services of the issuance of a License for Child Welfare Licensing Child Foster Group Home to Khadijah Bradley at 3208 Hepfer

REFERRED TO THE MAYOR

C. Letter from the State of Michigan Department of Environmental Quality regarding the Compliance Sampling Inspection at the Lansing Wastewater Treatment Plant

REFERRED TO THE MAYOR

D. Letter from Reverend Lester D. Stone, Pastor of Friendship Baptist Church regarding "The March for Justice"

REFERRED TO THE COMMITTEE OF THE WHOLE

E. Notice from the State of Michigan Department of Environmental Quality of Permit No. 96-11-0499 issued to Lewis Johns of 316 E. Michigan for Construction int he Floodplain of the Grand River

REFERRED TO THE MAYOR

F. Letter from Lloyd Teets of 116 E. Elm St. in support of a change in Sewer Rate Methodology to a Commodities Based Rate

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

G. Notice from the State of Michigan Department of Consumer and Industry Services of an Amended Order for Plans Approval and Permit To Construct Kensington Meadows Manufactured Housing Community

REFERRED TO THE MAYOR

H. Letter from Wendall D. Decker, no address given, regarding services provided by Continental Cablevision, Inc.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

I. Letter from Wm. Burt Burleson and Billie O'Berry of Teamsters Local #214, submitting a FOIA request for information about the Chief Deputy City Attorney and Deputy City Attorney Positions

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

J. Letter from Abel B. Sykes, Jr. of Lansing Community College in opposition objecting to the proposal for a change in sewer rate methodology

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

K. Letter from Ken Rice of 1731 Reo Rd. submitting a request for reassessment of his Stormwater Enterprise Fund fees

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

L. SLU-10-96, 510 W. Willow, Petition for Special Land Use Permit submitted by Dimensions of Life, Inc. of 3220 W. Saginaw St. to allow for the development of a Residential Care Facility for 8 or More Persons

REFERRED TO THE MAYOR AND THE PLANNING

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BOARD

MAYOR'S COMMENTS

Mayor Hollister acknowledged that his Office has had positive and intense dialogues with Reverend Stone and the Members of the March for Justice. He agrees that the City of Lansing still suffers from racism, and they have been meeting for several weeks and have reached agreement on some of the request by the March for Justice, such as; a public meeting with the Board of Police Commissioners once per year and alternative ways of sentencing. They have completed the first part of a series of meetings. He hopes to submit a report to the Council around the first of December setting forth the areas in which they have reached agreement and the areas in which they have not. He has a positive attitude about this process and hopes to see closure on it sometime in the next several weeks.

The business community is telling Council that they need finality on the utilities issue. That we need to stop revisiting these issues and move on. He stated his support for Councilmember Benavides' resolution.

Councilmember Leeman asked Mayor Hollister if he would consider a veto of the Sewer Rate Methodology Ordinance if Council passes it.

Mayor Hollister stated his reluctance to issue such a threat prior to the decision having been made, however, it is an option he would have to consider.

He announced that tomorrow is the first of three "Youth in Government" days and he hopes it is a productive experience for the students involved. He thanked Councilmember Allen for initiating this project and seeing it through.

CITY OFFICER AND BOARD REPORTS

A. Letters from the Mayor re:

1. Appointment of Kenneth E. Balcer to the Board of Fire Commissioners for a Term to Expire June 30, 1997

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2. Participation in MSHDA's Repair & Modernization Loans for Rentals

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3. Transfer of Funds: General Admin., LPD, General Fund

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4. Letter of Appreciation from Greta L. Krapohl to the Lansing Fire Department

RECEIVED AND PLACED ON FILE

5. Employees Retirement System Ordinance Amendment

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

COMMITTEE REPORTS

RESOLUTION #522
REPORT OF COMMITTEE

THE COMMITTEE OF THE WHOLE, to whom was referred rezoning petition Z-13-96, Northeast Corner of Saginaw and Westmoreland Streets, to be rezoned from B Residential District to DM-4 Residential District,

REPORTS AS FOLLOWS: The Committee recommends that the rezoning be approved as filed, and that the Z-13-96 ordinance be adopted as introduced.

Signed: Howard Jones, Chair
Ellen Beal, Vice
Chair Sandy Allen
Joan Bauer
Tony Benavides
Harold Leeman
Rick Lilly
Paul Novak

BY COUNCILMEMBER BEAL:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #523
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated $30,000 in the FY97 General Fund Budget to an account to pay certain costs of use of the Lansing Center by community organizations; and

WHEREAS, the Committee on General Services has

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reviewed a request for payment of such costs and has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a charge in the amount of $600.00 to account #101-173901-741200-0 as approval of the application from the Lansing School District for Community Use Funds for College/Career Fair 196, to be held at the Lansing Center on November 12 and 13, 1996.

By Councilmember Beal

Carried unanimously

RESOLUTION #524
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated $20,000 in the FY97 General Fund Budget to the Community Promotions Account, for the purpose of assisting with the expenses of large community-oriented events; and

WHEREAS, the Committee on General Services has reviewed a request for payment of such expenses in the amount of $600.00, covering Parks Department Showmobile fees, from the Latin American Cultural Center, for the Dia de los Muertos Celebration on November 1, 1996; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby authorizes charges in the amount of $600.00 to account #101173901-741289-0; and

AND BE IT FURTHER RESOLVED this payment shall be made by means of an interdepartmental voucher to be generated by the Parks and Recreation Department.

By Councilmember Beal

Carried unanimously

RESOLUTION #525
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
PUBLIC IMPROVEMENT 1

WHEREAS, the Mayor and City Council of the City of Lansing has determined it to be of a public necessity to construct curb and gutter and the necessary storm sewer facilities for Cavanaugh Road from Aurelius Road to Pennsylvania Avenue; and

WHEREAS, the City Council has determined that this proposed public improvement will benefit especially properties in the vicinity of the work to be done and that a benefit district pursuant to Chapter 1026 of the Lansing Code of Ordinances should be established to be specially assessed for the public improvement;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines it to be of a public necessity to construct the following public improvements: construct curb and gutter and the necessary storm sewer facilities in Cavanaugh Road from Aurelius Road to Pennsylvania,

BE IT FURTHER RESOLVED that the cost of these improvements is to be financed by special assessments to the benefitted property owners, and that the City's public share of the project shall be paid from the Michigan Department of Transportation STP funds and the ACT 51 Major Street Improvement Fund.

BE IT FINALLY RESOLVED that the Department of Public Service is hereby authorized to prepare necessary plans and specifications for these improvements, obtain the necessary easements for construction, and to determine the cost of said project in sufficient detail to establish the special assessment district and the applicable assessment to the properties in the district, and to famish said information to the Mayor and City Council.

By Councilmember Beal

Carried unanimously

RESOLUTION #526
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
PUBLIC IMPROVEMENT 1

WHEREAS, the Public Service Department has established the need for construction of curb and gutter and the necessary storm drainage facilities for David Street according to the petition (valid petition included in City Council meeting packet) signed by 53% of the benefitted owners and by 59% of the benefitted frontage lots; and

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WHEREAS, THE CITY COUNCIL HAS DETERMINED THAT THIS PROPOSED PUBLIC IMPROVEMENT WILL BENEFIT ESPECIALLY PROPERTIES IN THE VICINITY OF THE WORK TO BE DONE AND THAT A BENEFIT DISTRICT PURSUANT TO CHAPTER 1026 OF THE LANSING CODE OF ORDINANCES SHOULD BE ESTABLISHED TO BE SPECIALLY ASSESSED FOR THE PUBLIC IMPROVEMENT;

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL HEREBY DETERMINES IT TO BE OF A PUBLIC NECESSITY TO CONSTRUCT THE FOLLOWING PUBLIC IMPROVEMENTS: CURB AND GUTTER AND THE NECESSARY STORM DRAINAGE FACILITIES IN DAVID STREET.

BE IT FURTHER RESOLVED THAT THE COST OF THESE IMPROVEMENTS IS TO BE FINANCED BY SPECIAL ASSESSMENTS TO THE BENEFITTED PROPERTY OWNERS, AND THAT THE CITY'S PUBLIC SHARE OF THE PROJECT SHALL BE PAID FROM ACCOUNT #410-933690-974100-43814.

BE IT FINALLY RESOLVED THAT THE DEPARTMENT OF PUBLIC SERVICE IS HEREBY AUTHORIZED TO PREPARE NECESSARY PLANS AND SPECIFICATIONS FOR THESE IMPROVEMENTS, OBTAIN THE NECESSARY EASEMENTS FOR CONSTRUCTION, AND TO DETERMINE THE COST OF SAID PROJECT IN SUFFICIENT DETAIL TO ESTABLISH THE SPECIAL ASSESSMENT DISTRICT AND THE APPLICABLE ASSESSMENT TO THE PROPERTIES IN THE DISTRICT, AND TO FURNISH SAID INFORMATION TO THE MAYOR AND CITY COUNCIL.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

THE MOTION FOR PASSAGE OF THIS RESOLUTION WAS DEFEATED

BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, BY ORDINANCE #886 ADOPTED ON JUNE 27, 1994, AND CODIFIED AT SECTION 1042.04 OF THE LANSING CITY CODE, A METHOD FOR ESTABLISHING SEWER RATES WAS ENACTED PERTAINING TO USERS OF THE SEWER SYSTEM WITHIN THE CITY; AND

WHEREAS, THE SEWER RATE METHODOLOGY IS SPECIFICALLY SET FORTH IN SECTIONS 1042.04(A) AND (B) AND INCLUDES THE FOLLOWING:

(1) A COMMODITY CHARGE
(2) AN INFILTRATION/INFLOW COMMODITY CHARGE
(3) AN INFILTRATION/INFLOW FIXED CHARGE
(4) A BILLING AND COLLECTION CHARGE
(5) A DELAYED PAYMENT CHARGE
(6) AN EXTRA-STRENGTH WASTE SURCHARGE FOR BIOCHEMICAL OXYGEN DEMAND
(7) AN EXTRA-STRENGTH WASTE SURCHARGE FOR SUSPENDED SOLIDS
(8) AN INDUSTRIAL PRE-TREATMENT SERVICE CHARGE; AND
(9) INDUSTRIAL AND COMMERCIAL MONITOR CHARGE

WHEREAS, IN RECENT MONTHS MUCH DEBATE HAS OCCURRED CONCERNING A PROPOSAL TO ELIMINATE THE SEWER RATE METHODOLOGY SET FORTH IN CODE SECTION 1042.04(A) AND (B) AND TO PLACE ALL CHARGES ON A COMMODITY-USAGE BASIS; AND

WHEREAS, COUNCIL NOW WISHES TO FORMALLY STATE ITS PRESENT POSITION AND INTENTION AGAINST THE PROPOSAL TO PLACE ALL SEWER CHARGES ON A COMMODITY-USAGE CHARGE BASIS;

NOW, THEREFORE, BE IT RESOLVED, THAT IT IS THE PRESENT POSITION AND INTENTION OF THE CITY COUNCIL THAT THE SEWER RATE METHODOLOGY SET FORTH IN LANSING CITY CODE SECTION 1042.04(A) AND (B) REMAIN IN FULL FORCE AND EFFECT UNALTERED AND NOT MODIFIED, AND THAT ANY PROPOSAL TO PLACE SEWER RATES ON A TOTAL COMMODITY BASIS BE REJECTED; AND

BE IT FINALLY RESOLVED THAT THE MAYOR IS REQUESTED TO DEVELOP A LIFELINE RATE PROPOSAL BASED ON INCOME AND PROVIDE A RECOMMENDATION TO THE COUNCIL REGARDING THE SAME.

BY COUNCILMEMBER BENAVIDES

TO REFER THIS RESOLUTION TO THE COMMITTEE OF THE WHOLE FOR CONSIDERATION

FOLLOWING MEMBER BENAVIDES' MOTION AND CONSIDERABLE DEBATE THE FOLLOWING MOTION WAS MADE:

BY COUNCILMEMBER NOVAK

TO CALL THE QUESTION ON COUNCILMEMBER BENAVIDES' MOTION TO A VOTE

DEFEATED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS ALLEN, BAUER, BENAVIDES, NOVAK

NAYS: COUNCILMEMBERS BEAL, JONES, LEEMAN, LILLY

COUNCILMEMBER BENAVIDES' MOTION TO REFER TO THE COMMITTEE OF THE WHOLE WAS

DEFEATED BY THE FOLLOWING VOTE:

YEAS: COUNCILMEMBERS BAUER, BENAVIDES, NOVAK

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NAYS: Councilmembers Allen, Beal, Jones, Leeman, Lilly

By Councilmember Benavides

To place an affirmative roll on the resolution

DEFEATED BY THE FOLLOWING VOTE:

YEAS: Bauer, Benavides, Novak

NAYS: Allen, Beal, Jones, Leeman, Lilly

RESOLUTION #527
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Harold F. Roth has applied to the Michigan Liquor Control Commission for a new Dance Permit to be held in conjunction with his 1996 Class C licensed business with Entertainment Permit, located at 420-428 East Michigan; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Harold F. Roth for a new Dance Permit to be held in conjunction with his 1996 Class C licensed business with Entertainment Permit located, at 420-428 East Michigan, is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

RESOLUTION #528
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Brian Charles Taylor, 6034 Rolfe Road, to fill a vacancy on the Building Board of Appeals, representing General Contractors, for a term to expire June 30, 1997; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found him qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Brian C. Taylor to the Building Board of Appeals, representing General Contractors, for a term to expire June 30, 1997.

By Councilmember Allen

Carried unanimously

RESOLUTION #529
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, due to premature deterioration of three recycling trucks the Public Service Department has proposed a transfer of funds from the Recycling Fund to the Service Garage Fund for replacement of these trucks, with the Service Garage Fund reimbursing the Recycling Fund in FY 99 & FY 00 in accordance with the Service Garage five year plan, and

WHEREAS, the Public Service Committee has reviewed this request and concurs with the necessity of replacing these trucks, and

WHEREAS, the Committee on Ways and Means has determined that it is more cost-effective to replace these vehicles rather than drastically increasing the rental rate for the purpose of making major repairs to these vehicles;

NOW, THEREFORE, BE IT RESOLVED the Ways and Means Committee recommends approval of the necessary transfer in the amount of $420,000 as included in the Transfer of Funds Resolution, and establishes the following conditions for repayment of these funds from the Service Garage Fund to the Recycling Fund:

1. That funds accrued by the Service Garage Fund for replacement of two of the trucks being replaced shall be included in the Fiscal Year 1999 Budget, and shall be reimbursed to the Recycling Fund in Fiscal Year 1999. The amount to be reimbursed shall be calculated as of the date the replacement trucks are placed into Service.

2. That funds accrued by the Service Garage Fund for replacement of one additional truck being replaced shall be included in the Fiscal

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Year 2000 Budget, and shall be reimbursed to the Recycling Fund in Fiscal Year 2000. The amount to be reimbursed shall be calculated as of the date the replacement truck is placed into Service.

3. That interest in the amount of 3% per annum shall be reimbursed to the Recycling Fund, and shall be calculated from the date that funds are transferred from the Recycling Fund to the date that the funds are reimbursed to the Recycling Fund.

By Councilmember Beal

Carried unanimously

RESOLUTION #530
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, on April 3, 1995 the City Council adopted Resolution #241 the city of Lansing Five Year Recreation Plan for 1995 through 2000; and

WHEREAS, in order to be eligible to receive grant funds from the State of Michigan Department of Natural Resources (MDNR), and in order to receive Park Millage Funds, projects must be contained in the Five Year Parks and Recreation Plan; and

WHEREAS ' the City Council approved making grant applications for the following projects:

River Trail West:
Elm-Spring Res #152 of 1995

Fenner Land Acquisition Res #280 of 1995

and;

WHEREAS, the City has been notified by the Michigan Department of Natural Resources (MDNR) that they have approved these grant requests to the following amounts:

	State	Local
River Trail West: Elm-Spring	$375,000	$142,000
Fenner Land Acquisition	$360,000	$120,000

and;

WHEREAS, the Council has appropriated matching funds for the River Trail West and Fenner Land Acquisition; and

WHEREAS, the Park Board on September 18,1996 meeting recommended accepting these grants; and

WHEREAS, the City will maintain satisfactory financial accounts, documents and records and to make them available to the MDNR for auditing at reasonable times; and

NOW THEREFORE, BE IT RESOLVED that the City of Lansing agrees to construct these projects and provide matching funds for the site and services and materials as may be necessary to satisfy the terms of the grant agreements and the Lansing City Council hereby authorizes the Mayor and City Clerk to accept the grants on behalf of the City of Lansing, subject to their approval as to form by the City Attorney; and

BE IT FURTHER RESOLVED that the Mayor be authorized to place funding in appropriate expenditure accounts for administration of these rants.

By Councilmember Beal

Carried unanimously

RESOLUTION #531
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the United States Department of Justice, Office of Community Oriented Policing Services, has awarded a grant in the amount of $105,603 to the City of Lansing and the Lansing Police Department; and

WHEREAS the purpose of the grant is to provide funding for an Administrative Coordinator and Assistant to manage the Domestic Violence response and victim counseling effort currently done on a volunteer basis with the Council Against Domestic Assault, and the Lansing Police Department; and

WHEREAS, additional monies within the total amount awarded will cover some travel, equipment, and office expenses; and

WHEREAS, funds may be leveraged with this grant and with the grant from the State of Michigan, approved by City Council July 22, 1996; and

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WHEREAS, THERE ARE NO MATCHING FUNDS REQUIRED; AND

WHEREAS, THE MAYOR HAS RECOMMENDED ACCEPTANCE OF THIS GRANT;

NOW, THEREFORE, BE IT RESOLVED, THE LANSING CITY COUNCIL APPROVES ACCEPTANCE OF THE GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, IN AN AMOUNT UP TO $105,603 FOR THE PERIOD JUNE 1, 1996, THROUGH MAY 31, 1997, TO IMPROVE SERVICE EFFORTS IN COUNSELING VICTIMS OF DOMESTIC ASSAULT; AND

FURTHER, THAT THE ADMINISTRATION IS HEREBY AUTHORIZED TO MAKE THE NECESSARY TRANSFER FROM THE STATE & FEDERAL FUNDS REVENUES TO REFLECT RECEIPT OF THESE GRANT MONIES AND TO CREATE APPROPRIATE ACCOUNTS WITHIN THE FEDERAL AND STATE PROGRAMS FUND FOR THE EXPENDITURE AND CONTROL OF THE BALANCE OF THE GRANT FUNDS; AND

BE IT FINALLY RESOLVED, THAT AUTHORITY FOR THESE POSITIONS WITHIN THE POLICE DEPARTMENT TABLE OF ORGANIZATION SHALL TERMINATE UPON EXPIRATION OF THE GRANT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #532
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, FOR THE FIFTH STRAIGHT YEAR THE POTTER PARK ZOOLOGICAL SOCIETY MEMBERS AND ASSOCIATED VOLUNTEERS WILL PROVIDE A WONDERLAND OF LIGHTS AT POTTER PARK ZOO DURING THE HOLIDAY SEASON; AND

WHEREAS, THE MAYOR, THE PARKS AND RECREATION DIRECTOR, THE PARK BOARD AND THE POTTER PARK ZOOLOGICAL SOCIETY RECOMMEND THAT A PER PERSON FEE BE ESTABLISHED FOR THIS EVENT; AND

WHEREAS, IT IS RECOMMENDED A FEE OF $1.00 PER PERSON BE ESTABLISHED FOR THIS EVENT WITH PERSONS AGES 2 AND UNDER BEING ADMITTED FREE; AND

WHEREAS, IT IS RECOMMENDED THE REGULAR ZOO ADMISSION FEE OF $2.50 PER ADULT AND $1 PER CHILD AND THE VEHICULAR ENTRY FEE NOT BE COLLECTED DURING THIS EVENT.

NOW, THEREFORE, BE IT RESOLVED THAT THE LANSING CITY COUNCIL HEREBY RESCINDS THE REGULAR PARKING FEE AND THE REGULAR ZOO ADMISSION FEE AND ADOPTS AN ENTRANCE FEE OF $1.00 PER PERSON WITH CHILDREN AGES 3 AND UNDER BEING ADMITTED FREE COMMENCING ON NOVEMBER 23, 1996 THROUGH DECEMBER 31, 1996 BETWEEN THE HOURS OF 5:00 P.M. AND 8:00 P.M., EXCLUDING CHRISTMAS EVE DAY AND CHRISTMAS DAY WHEN THE ZOO IS CLOSED; AND

BE IT FURTHER RESOLVED THAT THE FEE SHALL BE ALLOCATED AFTER PAYMENT OF COLLECTION EXPENSES AND UTILITIES, ONE-THIRD TO THE POTTER PARK ZOOLOGICAL SOCIETY, ONE-THIRD TO THE POTTER PARK ZOO CAPITAL IMPROVEMENT ACCOUNT, AND ONE-THIRD TO THE POTTER PARK OPERATING REVENUES; AND

BE IT FURTHER RESOLVED THAT COMMENCING JANUARY 1, 1997, THE REGULAR PARKING FEE OF $1.50 PER VEHICLE AND THE REGULAR ZOO ADMISSION FEE OF $2.50 PER ADULT AND $1 PER CHILD SHALL AGAIN COMMENCE; AND

BE IT FINALLY RESOLVED THAT THE CITY ATTORNEY IS REQUESTED TO DRAFT A CONTRACT BETWEEN THE CITY OF LANSING AND THE POTTER PARK ZOOLOGICAL SOCIETY DEFINING THE OBLIGATIONS OF EACH PARTY AND ALLOWING THE ZOOLOGICAL SOCIETY TO RECEIVE CITY FUNDS FOR THIS EVENT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #533
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE WAYS AND MEANS COMMITTEE HAS REVIEWED ALTERNATE SUGGESTIONS REGARDING THE GIER PARK RESTROOM CONCESSION BUILDING AND PLAZA.

NOW, THEREFORE, BE IT RESOLVED THAT THE WAYS AND MEANS COMMITTEE RECOMMENDS THAT THE PARKS AND RECREATION DEPARTMENT INITIATE PLANS TO RENOVATE AND REMODEL THE GIER PARK RESTROOM CONCESSION BUILDING AND PLAZA; AND

BE IT FURTHER RESOLVED THAT THE PARKS AND RECREATION DEPARTMENT IS TO RECOMMEND TO THE WAYS AND MEANS COMMITTEE AS TO THE SOURCE OF THE FUNDS REQUIRED TO COMPLETE THIS PROJECT.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #534
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED

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AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$13,273	Forfeiture Fund-Oper. Trans.-273 Fund 265-343253-991273-0	Forfeiture Fund-Grant-Eaton County 265-343253-960003-0

(Grand jury costs above initial estimate for balance of grant year ($6,615). Program extended additional 6 months ($6,658).

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$45,000	Fund Balance-General Fund 101-0-390001-0	Community Supported Agencies-Control 101-834101-992200-0
$45,000	Community Supported Agencies-Control 101-834101-992200-0	Middle School Sports 101-834101-960138-0

(Funding lapsed at June 30 as expenditure reports were incomplete and funds were not encumbered. Amount reimburses School District for 1996 expenditures.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$206,000	Fund Balance-General Fund 101-0-390001-0	Community Supported Agency-Control 101-834101-992200-0
$206,000	Community Supported Agency-Control 101-834101-992200-0	Lansing Ent. & Pub. Fac. Authority 101-834101-960211-0

(Request that FY 1996 budget shortfall be funded due to the one-time, transitional shortage the operation experienced in the fiscal year.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$420,000	Retained Earnings-Recycling 597-0-393001-0	Recycling- Equipment 597-453685-977000-0

(Purchase of three recycling trucks to replace three which have not lasted as long as originally projected. Funding is advanced from the Recycling Fund and will appear as contributed capital within the Service Garage. To the extent costs for recycling vehicles are recovered from rental rates in the Service Garage, the Recycling Fund will be reimbursed at the time vehicles were originally scheduled to be replaced.)

By Councilmember Beal

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 1042, SECTION 1042.04
SEWER RATE METHODOLOGY

BY COUNCILMEMBER BEAL:

THAT AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1042, SECTION 1042.04, FOR THE PURPOSE OF PROVIDING A CHANGE TO THE METHODOLOGY USED IN ESTABLISHING SEWER RATES AND CHARGES, WAS INTRODUCED BY COUNCILMEMBER BEAL AND REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

RESOLUTION #535
RESOLUTION SETTING PUBLIC HEARING

By COUNCILMEMBER BEAL:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, THAT A PUBLIC HEARING BE SET FOR MONDAY, NOVEMBER 25, 1996 AT 7:00 P.M. IN THE COUNCIL CHAMBERS, 10TH FLOOR, CITY HALL, 124 W. MICHIGAN AVE., FOR THE PURPOSE OF CONSIDERING AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 1042, SECTION 1042.04 FOR THE PURPOSE OF PROVIDING A CHANGE TO THE METHODOLOGY USED IN ESTABLISHING SEWER RATES AND CHARGES

INTERESTED PERSONS ARE INVITED TO ATTEND THIS PUBLIC HEARING

BY COUNCILMEMBER BEAL

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 8

NAYS: 0

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER LILLY

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER LILLY

THAT THE ORDINANCE, WHEN READ, BE CONSIDERED AS READ IN IT'S ENTIRETY

BY THE COMMITTEE ON PHYSICAL DEVELOPMENT

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE

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CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING OF PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-13-96, NE CORNER OF W. SAGINAW AND WESTMORELAND, BE PLACED ON ORDER OF IMMEDIATE PASSAGE.

BY COUNCILMEMBER LILLY:

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT THE ORDINANCE PROVIDING THAT THE CODE OF ORDINANCES, CITY OF LANSING, MICHIGAN, BE AMENDED BY PROVIDING FOR THE REZONING; OF A PARCEL OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT Z-13-96, NE CORNER OF W. SAGINAW AND WESTMORELAND, BE NOW PASSED

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a letter from Trappers Cove Apartment Complex in opposition to a change in the Sewer Rate Methodology

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SERVICES

2. From Councilmember Allen; a letter from Jackson National Life Insurance Company in opposition to a change in Sewer Rate Methodology

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON PUBLIC SERVICES

3. From Councilmember Allen; a letter of complaint from the Family of Gary E. Bozek regarding his death at the hands of the LPD START Team

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE MAYOR

4. From Councilmember Allen; a FOIA from the family of Gary E. Bozek requesting several items of information from the LPD

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND THE MAYOR

5. From Councilmember Allen; a letter from Helen Fiser & Connie Delaney regarding Stormwater Enterprise Fund fees.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND THE COMMITTEE ON WAYS AND MEANS

6. From Councilmember Leeman; a request that the rules be suspended to allow for the addition of a motion for the reconsideration of Z-11-96, 800 E. St. Joseph at the appropriate time on the agenda

By Councilmember Leeman

To reconsider the vote taken on the passage of Z-11-96, 800 E. St. Joseph

DEFEATED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Leeman

NAYS: Councilmembers Benavides, Jones, Lilly, Novak

PUBLIC COMMENTS

Connie Delaney of 3721 Aurelius Rd. stated her opposition for the City of Lansing formula for establishing EHA and to the sewer rate methodology.

Helen Fiser of 12100 S. Cork Rd. spoke in support of a change in sewer rate methodology.

Edna Whittier of 1400 Vondel in Holt commended the LPD for their handling of a situation in which an individual walking on the street was attacked by two people in a car.

Mark Eggleston of 4001 Heathgate declared that Mayor Hollister is out of touch with the mainstream citizens of this City. Lansing still stands for the traditional family and morality. He criticized the management of Channel 28 for not maintaining scheduling commitments.

Dennis O'Brien, no address given, submitted an ordinance he asked Council to consider for Veterans Retirement benefits.

Algie Watkins 1401 Chester Rd. spoke regarding a personal property tax that discriminates against hardware intensive businesses and punishes Service related businesses. The depreciation schedule used by the City of Lansing Assessors Office allows them to collect a tax on a piece of hardware over too long of a period of time, way after it has lost it's value. He opposes the property tax abatement given to General Motors. They will not pay taxes on this equipment that

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THEY WILL UPDATE THEIR PLANT WITH, YET THEY TURN A PROFIT. HE HAS PAID ALL OF HIS TAXES AND CANNOT EARN A PROFIT.

RICHARD FISER OF 12100 S. CORK IN MORRICE ASKED WHY ALL OF THE BUSINESS PEOPLE APPEARED EARLIER TONIGHT TO SPEAK AGAINST PUBLIC HEARINGS?

MIKE MIZANO, NO ADDRESS GIVEN, SPOKE IN SUPPORT OF THE VETERANS RIGHTS RETIREMENT SYSTEM ORDINANCE SUBMITTED BY MR. O'BRIEN. THIS IS NOT A SUBJECT OF COLLECTIVE BARGAINING AND DOES NOT COST THE CITY ANYTHING. IT IS FUNDED OUT OF THE RESPECTIVE RETIREMENT SYSTEMS.

LLOYD TEETS OF 116 E. ELM ST. INDICATED HIS CONFUSION OVER THE CITY COUNCIL AGENDA AND WHAT AND WAS NOT PLACED ON THE AGENDA AS A LATE ITEM.

BRIAN BARCLAY OF 715 EMILY SPOKE REGARDING THE CIVIL RIGHTS ISSUES. HE STATED THAT THE RESIDENTS WHO VOTED THESE ORDINANCES DOWN ARE IN LANSING TO STAY. THEY WILL BE HERE FOR THE LONG HAUL AND CERTAINLY FOR THE NEXT ELECTION. HE DOES NOT APPRECIATE BEING CALLED A BIGOT BECAUSE HE DOES NOT BELIEVE THAT HOMOSEXUAL BEHAVIOR IS AN INHERENT CHARACTERISTIC.

COUNCILMEMBERS COMMENTS

COUNCILMEMBER LEEMAN THANKED HIS COLLEAGUES FOR THE VOTE ON THE GIER PARK RENOVATIONS. HE ANNOUNCED THE RECENT PAVING OF FOSTER COMMUNITY CENTER, WHICH IS NOW UP TO PAR, AND THE PAVING OF THE ARBORETUM AND POTTER PARK ENTRANCE WAYS, AS WELL. HE ANNOUNCED THE CANCELLATION OF THE REGULARLY SCHEDULED PUBLIC SERVICES MEETING FOR TOMORROW. WITH REGARD TO Z-11-96; THE PLANNING BOARD ON SEPTEMBER 24TH FOUND EVIDENCE THAT THIS REQUEST IS NOT IN CONFORMANCE WITH THE MASTER PLAN AND WOULD ADVERSELY IMPACT ON ADJACENT PROPERTY AND THE FUNCTION OF THE DEAD END STREET THAT IT IS LOCATED ON.

COUNCILMEMBER ALLEN TOLD MRS. DELANEY THAT SHE UNDERSTANDS HER FRUSTRATION AND APPRECIATES HER EFFORTS IN THE SEWER RATE ISSUE. SHE PLEDGED HER CONTINUING EFFORTS ON BEHALF OF THE SECOND WARD AND WHAT IS BEST FOR IT. TOMORROW IS THE FIRST OF THREE YOUTH IN GOVERNMENT DAYS AND WILL SEE EASTERN HIGH SCHOOL STUDENTS IN ATTENDANCE AT CITY HALL. NEXT WEEK IT IS EVERETT HIGH, AND ON DECEMBER 4TH SEXTON. THE PURPOSE OF THIS PROGRAM IS TO GIVE YOUTH AN OPPORTUNITY TO UNDERSTAND GOVERNMENT AND HOW IMPORTANT PARTICIPATION IN IT IS. SATURDAY, NOVEMBER 16, 1996 IS REX GILLETTE'S BIRTHDAY. HE WILL HOST A PARTY IN HIS OWN BEHALF. THE VOLUNTEERS OF AMERICA IS HAVING A HOMELESS AWARENESS WEEK AND COMMENDATIONS AND CONGRATULATIONS GO OUT TO THEM FOR ALL THEY DO FOR THE COMMUNITY. SHE STATED HER DISAPPOINTMENT OVER THE TURN-OUT FOR THE VETERANS DAY PARADE. SHE WOULD HAVE LIKED TO SEE A LARGER TURNOUT FOR THIS EVENT.

COUNCILMEMBER NOVAK ANNOUNCED THAT GOVERNOR ENGLER IS CONSIDERING AN EARLY RETIREMENT PROGRAM FOR STATE OF MICHIGAN EMPLOYEES.

CITY CLERK MARILYNN SLADE RESPONDED TO COMMENTS AND EDITORIALS PRINTED IN THE STATE JOURNAL ABOUT THE PRESIDENTIAL ELECTION.

COUNCILMEMBER LILLY SAID THAT IT WAS UNFORTUNATE THAT THE EXIT POLLING THAT WAS DONE ON THE TWO CIVIL RIGHTS BALLOT ISSUES GAVE INCONSISTENT RESULTS, BUT THE ELECTION RESULTS SHOW THAT THIS IS BECAUSE OF THE PRECINCTS THAT WERE POLLED. HE CORRECTED COUNCILMEMBER LEEMAN'S ANALYSIS OF THE PLANNING BOARD SEPTEMBER 24, 1996 MEETING MINUTES. THE PETITION IN QUESTION DOES NOT QUALIFY AS AN OPPOSING PETITION IN ACCORDANCE WITH SECTION 1240.08 OF THE CODE. NO ONE FROM THE NEIGHBORHOOD OPPOSED THE REZONING AT THE CITY COUNCIL MEETINGS.

COUNCILMEMBER BAUER COMMENDED THE WSNA FOR THEIR EXCELLENT HOME TOUR ON SUNDAY. THEY RAISED BETWEEN 4 & 5 THOUSAND DOLLARS FOR ADVENT HOUSE MINISTRIES. THE TOUR HIGHLIGHTED 10 BEAUTIFUL HOMES ON THE WEST SIDE. PEOPLE FROM ALL OVER THE AREA WERE VERY IMPRESSED WITH THE HOMES AND THE NEIGHBORHOOD. SHE THANKED EVERYONE WHO DONATED COATS TO THE "GIVE A KID A COAT" PROGRAM AND IT'S ORGANIZER DENNIS MOCHLER. SHE CONGRATULATED IRV NICHOLS FOR COMING OUT OF RETIREMENT WITH THE RED CROSS TO DIRECT IMPRESSION 5 MUSEUM. SHE SAID THAT IT IS UP TO THE PEOPLE WHO SIT ON A BOARD TO USE THE POWER THAT THE BOARD IS GIVEN THROUGH THE CODE OF ORDINANCES. SHE STATED HER CONCERN OVER THE ADVERSARIAL FEELINGS BETWEEN RESIDENTS AND BUSINESSES AND THE SENSE THAT COUNCIL IS PITTING THEM AGAINST EACH OTHER. IT IS OUR JOB, SHE SAID, TO DEFINE WHAT IS GOOD FOR THE OVER-ALL HEALTH OF THE CITY AND WORK TOWARDS THAT TOGETHER.

PRESIDENT JONES SAID THAT HE IS LOOKING FORWARD TO "YOUTH IN GOVERNMENT" DAY.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

MR. WIENER CONGRATULATED COUNCILMEMBER ALLEN AND RON ONUFER FOR PUTTING TOGETHER THE "YOUTH IN GOVERNMENT" PROJECT, AND EVERYONE WHO WILL BE PARTICIPATING. HE COMPLIMENTED LENORA JADUN OF THE PUBLIC SERVICE DEPARTMENT FOR DEVELOPING MATERIAL FOR THE STUDENTS. IT IS IMPORTANT THAT WE STRUGGLE WITH IMPORTANT ISSUES IN OUR COMMUNITY AND THAT WE DO IT WITH RESPECT TOWARDS EACH OTHER, ESPECIALLY WHEN THE ISSUES ARE HOT. WE LIVE IN A DEMOCRATIC SOCIETY AND WE USE DEMOCRATIC METHODS. MAYOR HOLLISTER DID NOT ACCUSE ANYONE OF BIGOTRY, RATHER, HE EXPRESSED HIS CONCERN

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THAT THERE IS STILL BIGOTRY AMONG US.

ADJOURNED 10:20 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS NOVEMBER 18, 1996

AS CORRECTED ON NOVEMBER 25, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence, and the Pledge of Allegiance was led by the Red Dragons Webelos Den, Pack 439, from Maplewood and Mt. Hope Elementary Schools

APPROVAL OF MINUTES

By Councilmember Novak:

To amend the Minutes of October 28, 1996, page 598 to correct the vote to be 7/1 and to approve the Printed Council Proceedings of October 28 and November 4, 1996

Carried unanimously

By Councilmember Benavides:

To accept the following under suspension of the rules:

1. From Councilmember Lilly, RFP/96/060, Development of the 1300 Block of Turner Street

2. From Councilmember Benavides, two resolutions regarding surplus bicycles for:

-Capital Area Community Services
-Churchill Downs Community Assn.

3. From Councilmember Allen, letter from Joan DeRose

4. From Councilmember Beal:

-1 Resolution regarding the Memorial Review Board and Starter Houses
-2 Resolution Diana Many settlement
-3 letter Regarding holiday parking rates

5. From Councilmember Bauer:

-A letter From Rev. Lester Stone asking to add the March for Justice to tonight's agenda

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation regarding Homeless Awareness Week to representatives from local organizations.

PUBLIC HEARING

There were no Scheduled Public Hearings.

PUBLIC COMMENT

Peter Bunton, 3311 Brisbane, asked Council to "stop, look and listen" when residents come to City Council meetings and be aware of what is going on with police brutality around the country.

Reverend Lester Stone, 1603 W. Kalamazoo Street, said that law enforcement in Lansing is sick and in need of emergency repair. The attitude of the Council and Mayor must change to accept that there is a need for change in law enforcement in Lansing. We need an independent agency to oversee the police department and investigate police misconduct.

Charles Ford, 3017 S. Cambridge Road, asks that the Council, Mayor and Police Board really listen to what the people have to say. We need to work together to move Lansing forward.

Frank Curtis X, no address given, spoke about the recent Texaco settlement and racial injustice throughout the United States, not just in Lansing.

Paul Ojibway, 2200-1/2 E. Michigan Avenue, stated he is living proof that an entire culture can be wiped out. There are only fragments of the Ojibway Nation left.

Ammahad Shekarakki, 902 Willow, is overwhelmed by the turnout this evening. They are here in numbers because numbers count. They will be back until justice is served.

Willy Dawson, 1304 Theodore, said that Rex Bell's mother is suffering from the lack of prosecution of this case.

Marty Hinton, 510 Jason Court, said that when he got off work at 1:00 A.M. at Barnes/Cedar, he was stopped by LPD and thrown on the ground. They then released him because another

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officer stopped and said he was the wrong guy.

Darnelle Oldham, Sr., 3815 Berwick, stated that to this day justice has not been served in the Edward Swans case. He stated that they will be working to replace those Councilmembers whose terms end in 1997.

Nathan Johnson, Jr., 204 S. Hosmer, stated that they will continue to march until justice is served.

Sylvester Stewart, 3601 Berwick, said charity begins at home. Let's begin at home and get away from this cockeyed justice.

Donald Suttles, 3911 Barton Road, Delta Township, stated that, upon leaving a funeral on Saturday, he stopped at some rental property on Pennsylvania. While going to his brother's home, he was followed all the way by a police car. When he arrived at his brother's house, police said they stopped him because he didn't have his blinker on. They then explained that they thought he was someone else, returned his license, and took off. He is concerned that the Police Department has become insensitive to minority rights.

James Davis, 416 Rivershell Lane, wants to remind everyone that we took a pledge to the flag that says "with liberty and justice for all." These stories are not fabricated, Council should take notice of them, and do something about it.

Timothy Lovett, 3200 S. Washington #529, said he was arrested September 5th for chasing someone who had his wallet and charged with disorderly conduct. He got 28 days in jail and went to the 6th floor to get his wallet and they charged him with something else.

Marcus Glasscoe, 1510 W. Hillsdale, talked about an incident in 1984. He purchased a car and every time he drove the car he got stopped by LPD. They would ask him how could he afford the car. He said he paid for it with wages from General Motors. This kind of harassment is still going on today.

Bruce Fletcher, 5733 W. Michigan, is here to support the March for Justice. He has a granddaughter and hopes she doesn't have to go through what others have experienced.

Johnny Campbell, 317 N. Pennsylvania, said he has been a victim of injustice. He and his brother were stopped for a traffic violation and the police started taking stuff out of their car without a search warrant. They didn't file a complaint because they figured nothing would be done.

Robert Ovalle, 110 Eastpoint Lane, East Lansing, said he has been coming here every week and Councilmembers don't pay any attention to what the public is saying. He was beaten up by four guys and when he went to LPD they said that he had to find out the addresses and dates of birth of the guys who beat him up. The detective assigned to his case said that if he pressed charges, LPD would press them against him as three of the guys said that he hit one of them first.

Bob Zimmermann, 1813 Lyons Avenue, says that he has infiltrated some of the white circles because he can pass for white. The fact is that rarely do white kids get stopped just for driving around the city.

Reverend Albert Kelly, 3237 Brisbane, is here because of the treatment of Swans and Bell and of the minority population of Lansing. It is difficult for black men to hold their heads up when they are being beaten down with racism. The March for Justice participants are looking for fairness, equality and respect. LPD officers need more sensitivity training.

Winston Felton II, 1032-1/2 S. Pennsylvania, spoke concerning injustice in Lansing. He doesn't believe that Councilmembers are going to do anything so we need to have more residents to come down here to convince Council that there is injustice in Lansing.

Reverend Gregory Johnson, 1112 Kelsey, stated that he is concerned that something be done about the injustice in Lansing.

Edgar Collins, 5301 Granger, said he is here because he watched some of the Council meetings and he is upset about the Edward Swans case. The safest place on the planet should be the city jail. Councilmembers must take a stand against injustice. He asked the Mayor to request a federal investigation into the death of Edward Swans.

Anthony Muhammed, 808 W. Willow, said elected officials have an obligation to serve the people. As long as the "good old boys network" continues, you are going to have an angry constituency. Rights are not guaranteed based upon socio-economic position; they are basic to all. They are Muslims and hand out newspapers on city street corners. While doing this, a white man pulled a gun on them. The police officer called did not even investigate.

Sheldon Lewis, 733 W. Lenawee, is asking for justice on behalf of his brothers and sisters in Lansing.

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Lingg Brewer, 69th State Representative, 2682 Fontaine, asked that there be a full investigation into all charges of injustice. He asks that the city look into establishing a citizens review board.

Reverend Andrew Brody, 1114 Glenn Street, said that they need more minority representation on City Council. Council is taking injustice happening in Lansing too lightly. Blacks have not had any representation in this country; the black population needs to get organized.

Billy Joe Beavers, 131 E. Jolly Road, recounted what happened to him in 1980. His son was issued a ticket by LPD and he and his wife were arrested because of it.

Reverend Georgé Smith, 1401 Robertson Ave., stated he has been in Lansing 20 years. He believes that the City Council will do the right thing.

Roy Cunningham, 645 E. Jolly Road # 5, was known as the alcoholic of the city at one time. Mr. Swans and Mr. Bell could have been him easily. He was sent to an insane asylum at one time because he is an epileptic.

Margaret Bozek, 9504 Chadwick Road, said her family has experienced LPD brutality. The family feels that the killing of her brother was totally unjustified. There were other alternatives that could have been pursued. Choose more humane methods for all of us. They filed a complaint and have not even received an acknowledgment of that complaint as yet.

T. T. Hamilton, 6533 Rosedale, is 46 years old and has never been arrested in her life. She was defending her life with mace June 14th. Seven policemen came to her house in November to arrest her. Why are you wasting your time on her when there are rapists and murderers out there?

Tracey Hampton, 1608 W. Washtenaw, said she is happy to see all these black faces here tonight. Why are there so many police officers here tonight when there was only one here for the large turnout for the General Motors tax abatement? This is just an example of what they have been talking about.

Ernesto Mireles, 1097 Meadowlawn, came down to support the March for Justice. They will continue to oppose police expansion on the north side of town.

Michael Cole, 372 Braeburn, supports the March for Justice. Its past time that someone stands up and takes the role of leadership.

Clyde Smith, 2244 Tecumseh River Drive, says that in his neighborhood the police cooperate and work with them. It bothers him to think that there are neighborhoods in Lansing where this doesn't happen.

Elvira Jordan spoke about justice for her son, Juan Lee Jordan.

Bill Copach, 1912 Holly Way, stated that some are not being treated equally in Lansing. He had an incident on June 6, 1994 when he was stopped for speeding and reckless driving, among other charges. A white neighbor came running out and verified some of the things he told the police officers. He was then not ticketed. He wrote a 4-page letter about the incident and then got a call from a Detective. An investigation was done and he was told that everything was done properly. They are here tonight for their children so this kind of treatment doesn't happen to them.

Martha Green, East Lansing, came with her friend Margaret Bozek whose brother was killed by the Lansing START team. There is a problem here.

Lloyd Teets, 116 E. Elm Street, said he supports the March for Justice.

Dr. Willie Davis, 1136 Shephard, thanked god that Don Martin is gone. He appealed to the Council to look at the issues of justice in Lansing.

Paget Maynard, no address given, said that justice delayed is justice denied. It is noble to make Lansing a world class city but we need to make room to have time for our people. Every human being deserves to be heard.

Cloven Thomas said that when he attended MSU he believed he was living a part of the American dream. When he and some friends rented an apartment, East Lansing police stormed into their apartment believing that they had robbed one of the other apartments. The delusion he had that he was part of a world class city was quickly dispelled. Our city is sick and we are laboring in delusion.

Angela Matthews, 723 W. Shiawassee, said that it is time for something to be done.

Larry Glasscoe, 1310 Hillsdale, said that people are tired and they want to see something done. He has witnessed instances of injustice and we need to look into this.

Paul Dixon, 3031 S. Washington, said that it is hard for working people to come down here. He fears that the problem will get a lot worse

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before it gets better. He was handcuffed, shackled and beaten by police in the City Jail for making a turn on a red light.

Larry Brockton, 517 Brockway, said its not only the people getting stopped by police, its fraud cases and a lot more.

Darryl mangles who now lives in Perry says LPD used to ticket every car that parked on private property when he previously lived here. In East Lansing he was stopped for going the wrong way on a one-way street. There is an arrogance with LPD that really bothers him.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen:

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. A Proposal from Dennis O' Brien, no address given, for an Ordinance regarding Veterans Rights under the Retirement System

REFERRED TO THE MAYOR, EMPLOYEE'S RETIREMENT SYSTEM BOARD, THE POLICE & FIRE RETIREMENT SYSTEM BOARD, THE GENERAL SERVICES COMMITTEE AND THE CITY ATTORNEY

B. Letter from James Harken of 315 Bingham regarding the proposed electric rate changes by the Board of Water and Light

RECEIVED AND PLACED ON FILE

C. Letters in opposition to the proposed change in Sewer Rate Methodology received from:

- Quality Dairy Co.
- Michigan Chamber of Commerce
- Paul J. Aube, General Manager, Advance Fabrications Division, Jet Die Plant, Barnes Group, Inc.

REFERRED TO THE COMMITTEE OF THE WHOLE

MAYOR'S COMMENTS

Mayor Hollister commented that there were two officers here this evening instead of one because of the large crowd that spilled over into the lobby downstairs. There were no undercover officers, two fire dept personnel were present to watch for overcrowding of the facility.

The Mayor said that in all institutions, there is the issue of race. He is anxious to diversify the workforce and to do more sensitivity training. We must also recognize that the police officers have a very difficult job to do.

He will be submitting a recommendation to Council on this issue on December 1st.

Councilmember Beal asked about the processing of a building permit for a church; this does not seem to be an administrative priority. She also asked about the Bozek case and if there is a strategy for this case. The Mayor responded that they received a series of FOIA requests from the family.

Councilmember Novak inquired about the FBI and U. S. Dept. Of Justice inquiries into the Edward Swans case. The Mayor responded that an FBI recommendation has been forwarded to the U. S. Dept. Of Justice. No one has heard how long we will have to wait for their findings.

Councilmember Allen asked who made the request to the Dept. Of Justice. The City Attorney responded that they normally will not release that information.

CITY OFFICER AND BOARD REPORTS

A. Letter from the City Clerk submitting the minutes of City Boards and Authorities

RECEIVED AND PLACED ON FILE

B. Letters from the Mayor re:

1/ Grant Acceptance: Oldsmobile Park Foundation

REFERRED TO THE COMMITTEE OF THE WHOLE

2/ Grant Application: Historic Preservation

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3/ Transfer of Funds: General Fund, Planning & Neighborhood Dev., Finance Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Appointment of James W. Miner to the Traffic Board for a term to expire June 30, 2000

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5/ Appointment of Robert B. Stebbins to the Traffic Board for a term to expire June 30, 2000

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REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

6/ Renaming of Groesbeck Starter House

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

RESOLUTIONS FOR ACTION

RESOLUTION #536
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing is named as Defendant in the lawsuit entitled Diane Many v City of Lansing, Ingham County District Court File No. 96-0172-GC-B, involving alleged Breach of Promise or Contract; and

WHEREAS, it is proposed that said lawsuit be resolved by virtue of entering into a settlement agreement in which the City would agree to pay the sum of $4,500.00 in exchange for dismissal of the lawsuit; said agreement further providing that no judgment would enter against the defendant nor would there be any admission of liability; and

WHEREAS, the proposed settlement is recommended by the City Attorney;

NOW THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of $4,500.00 pursuant to said proposed settlement agreement as a full and final settlement of said lawsuit.

BE IT FINALLY RESOLVED that the Law Department and/or its designee is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Councilmember Beal

To accept a substitute resolution for the one originally contained in the packet from tonight's meeting

Carried unanimously

To amend the Resolution in the Now Therefore, Be It Resolved paragraph to insert the words "FROM ACCOUNT #101-173901-741700-0" following "$4,500.00" and prior to "pursuant", and to place an affirmative roll on the substitute resolution as amended.

Carried unanimously

RESOLUTION #537
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following transfer be approved

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$40,000	Est Revenues-Cap. Proj. Fund 410-0-170001-0	
$132,839	Fund Balance-Capital-Projects 410-0-390001-0	
$172,839		Wash. Square Relocation 410-932690-970000-43835
$60,000	CDBG-21 st Year Contingency 252-932651-992000-3-1000	CDBG 21st Year Equipment 252-932669-977000-3-1000

(Funding of furniture, phones and moving expenses for relocation of offices in the Washington Square Annex. Capital Projects Fund source is from proceeds of Diamond Reo land sales (both prior to July 1 1996, and subsequently), which were advanced by the General Fund for Cul de Sac construction and are designated for return to the General Fund by the original transfer. Revenue detail account 410-0-673102.

Community Development Block Grant funding results from lapse of administrative residuals to Contingency from the 21 st program year, and represents office relocation for CDBG funded employees. This transfer authorizes administrative recovery to source accounts from annex sale proceeds upon completion of the sale of the Washington Square Annex.)

By Councilmember Beal

Carried unanimously

RESOLUTION #538
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, in FY 96 the City began renovation of office and commercial space in the North Capital Ramp, financed from the Parking System Fund; and

WHEREAS, renovations costing some $210,000 resulted specifically from improvements designed to accommodate the needs of City Departments as tenants for the facility, and

WHEREAS, the City Council has approved the expenditure of up to $240,000 from the Capital Projects Fund and Community Development Block Grant to provide furnishings and relocate the

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Planning and Neighborhood Development Department to the renovated facilities in the North Capital Ramp, and

WHEREAS, the City anticipates that the Washington Square Annex will be sold for an amount in excess of the above expenditures for renovations specific to City Departments, furnishing and relocation.

NOW THEREFORE BE IT RESOLVED that upon sale of the Washington Square Annex, the Administration is authorized to reimburse the Parking System Fund from sale proceeds in the amount of $210,000 from sale proceeds, and

BE IT FURTHER RESOLVED that the Administration is authorized to reimburse the Capital Projects Fund in the amount of $172,839 for furnishing and relocation from sale proceeds, and

BE IT FINALLY RESOLVED that the Administration is authorized to reimburse the Community Development Block Grant in the amount of $60,000 for furnishings and relocation for CDBG staff from sale proceeds.

By Councilmember Beal

Carried unanimously

RESOLUTION #539
BY THE COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS the City Council has received requests from additional non profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of eight bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communication dated September 27, 1996, to Capital Area Community Services;

BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies by November 27, 1996, may be disposed of by the Quartermaster in a manner consistent with State Law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #540
BY THE COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

WHEREAS, the City Council has received requests from additional non profit agencies, and has also received lists from the Quartermaster Unit identifying surplus bicycles; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the distribution of ten bicycles deemed surplus by the Quartermaster Unit of the Lansing Police Department in the communication dated September 26, 1996, to Churchill Downs Community Association;

BE IT FURTHER RESOLVED any bicycles from this list that are not picked up by the eligible non-profit agencies by November 27, 1996, may be disposed of by the Quartermaster in a manner consistent with State Law and the City of Lansing Purchasing Ordinance.

By Councilmember Benavides

Carried unanimously

RESOLUTION #541
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City Council created the Memorial Review Board by Ordinance No. 926, and

WHEREAS, Ordinance No. 926 charges the Memorial Review Board with making recommendations for naming public places to the City Council, and

WHEREAS, the Memorial Review Board has received and reviewed an application for naming the starter house at Groesbeck Golf course in honor of George Harlow, Parks Board member

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FOR OVER 25 YEARS, AND

WHEREAS, THE MEMORIAL REVIEW BOARD HAS RECEIVED AND REVIEWED AN APPLICATION FOR NAMING THE STARTER HOUSE AT SYCAMORE GOLF COURSE FOR RON BORSETH, A LONG TIME CITY EMPLOYEE WHO SUPERVISED THE CONSTRUCTION OF THAT STARTER HOUSE, AND

WHEREAS, THE MEMORIAL REVIEW BOARD, SITTING IN SESSION ON WEDNESDAY, NOVEMBER 13, 1996, MOVED TO APPROVE BOTH APPLICATIONS AND RECOMMEND TO THE CITY COUNCIL THAT IT APPROVE THE RECOMMENDATIONS TO NAME THE GROESBECK STARTER HOUSE IN HONOR OF GEORGE HARLOW AND THE SYCAMORE STARTER HOUSE IN HONOR OF RON BORSETH, NOW

THEREFORE BE IT RESOLVED, THAT THE LANSING CITY COUNCIL APPROVE THE RECOMMENDATIONS OF THE MEMORIAL REVIEW BOARD AND NAME THE GROESBECK STARTER HOUSE IN HONOR OF GEORGE HARLOW AND THE SYCAMORE STARTER HOUSE IN HONOR OF RON BORSETH.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY :

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER LILLY, RFP/96/060, DEVELOPMENT OF THE 1300 BLOCK OF TURNER STREET

REFERRED TO THE COMMITTEE OF THE WHOLE

2. FROM COUNCILMEMBER BENAVIDES, TWO RESOLUTIONS REGARDING SURPLUS BICYCLES FOR:

-CAPITAL AREA COMMUNITY SERVICES
-CHURCHILL DOWNS COMMUNITY ASSN.

BY COUNCILMEMBER BENAVIDES:

ADOPTED AS RESOLUTIONS #539 & 540 RESPECTIVELY

CARRIED UNANIMOUSLY

3. FROM COUNCILMEMBER ALLEN, A LETTER FROM JOAN DEROSE

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

4. FROM COUNCILMEMBER BEAL:

-A RESOLUTION REGARDING THE MEMORIAL REVIEW BOARD AND STARTER HOUSES

ADOPTED AS RESOLUTION #541

-A SUBSTITUTE RESOLUTION FOR THE DIANA MANY SETTLEMENT

ADOPTED AS RESOLUTION #536

-A LETTER REGARDING HOLIDAY PARKING RATES

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

5. FROM COUNCILMEMBER BAUER:

-A LETTER FROM REV. LESTER STONE ASKING TO ADD THE MARCH FOR JUSTICE TO TONIGHT'S AGENDA

REVEREND STONE AND PARTICIPANTS IN THE MARCH FOR JUSTICE WERE ALLOWED TO MAKE COMMENT UNDER THE AGENDA ITEMS PORTION OF THE AGENDA

CITIZEN COMMENTS

CHRIS COTTER, 2111 HARDING AVENUE, THANKED THE PEOPLE OF LANSING WHO VOTED FOR HIM ON NOVEMBER 5TH.

LLOYD TEETS, 116 E. ELM STREET, HOPES A LOT OF RESIDENTS WILL COME TO NEXT WEEK'S MEETING FOR A HEARING ON SEWER RATES.

SHARON EDDINGTON, 815 E. ST. JOSEPH, SPOKE REGARDING THE Z-11-96 REZONING. RESIDENTS OF THIS NEIGHBORHOOD ARE VIOLENTLY OPPOSED TO THIS REZONING. MR. DELUCA DOES NOT LIVE IN THE NEIGHBORHOOD; HE IS LEAVING NASTY MESSAGES ON RESIDENTS ANSWERING MACHINES AND OTHER TACTICS.

ROBERT BENNETT, 222 W. SAGINAW, SAID THE WEATHER IS GETTING COLD AND SOON WE CAN BEGIN SKATING AT THE WASHINGTON PARK ICE RINK.

TRACEY HAMPTON OF 1608 W. WASHTENAW SAID SHE SAW A LOT MORE THAN TWO POLICE OFFICERS HERE TONIGHT. SHE IS APPALLED AT CITY COUNCIL'S QUESTIONS REGARDING EDWARD SWANS. SHE EXPECTS THAT COUNCIL WOULD KNOW A LOT MORE ABOUT THE CASE THAN THEY EVIDENTLY DO.

REVEREND LESTER STONE, 1603 W. KALAMAZOO, SAYS THE MARCH FOR JUSTICE WILL NOT ACCEPT THE MAYOR GIVING COUNCIL A REPORT ON DECEMBER 1ST WITHOUT REACHING AGREEMENT WITH THEM FIRST. AFTER ALL OF THE TESTIMONY GIVEN TONIGHT, THE ONLY COMMENT MADE FROM COUNCILMEMBERS WAS ABOUT MR. BOZEK. THAT CONCERNS HIM. EVEN IF THE FBI REPORT SAYS THE POLICE OFFICERS WHO KILLED ED SWANS WERE JUSTIFIED, HE WILL NOT ACCEPT THAT.

DARNELLE OLDHAM, SR., 3815 BERWICK, SAYS THERE IS NO CLEAR COMPLAINT PROCESS. THE POLICE BOARD WAS HOG-TIED AND STRANGLED BY THE MAYOR AND NOT ALLOWED TO INVESTIGATE THE DEATH OF EDWARD SWANS.

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COUNCILMEMBERS COMMENTS

Councilmember Bauer thanked the members of the community who came here tonight. Commendations, also, to Capital Area United Way which exceeded their goal this year. She recently attended the unveiling of GM's new electric car which will be built in Lansing.

Councilmember Novak acknowledges that there is a problem in Lansing with the way LPD deals with minorities. We need to discuss the manner in which we move the ball forward.

Councilmember Benavides asked whether or not an agenda will be put together for future discussion with the March for Justice. General Services will meet tomorrow at 11:30 A.M.

Councilmember Allen said she does care about justice in Lansing but it is far bigger than one committee of three people can address. She thanked the students of Eastern who gave her an Eastern sweatshirt for last week's Student Government Day in which more than 100 students participated. She reported that Jack Roberts, our Asst.. City Attorney, will donate four weeks of his vacation time to Karen Schmidt.

Councilmember Leeman asked Mr. Wiener to check out the incident that Mr. Suttle talked about this evening. He also attended the unveiling of GM's electric car which he believes is a historic first for Lansing.

Council President Jones thanked those who came this evening and said that everyone has listened carefully to the residents' concerns. If he had $33,000 he would buy one of the new electric cars.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener reported that the Mayor's Office has been meeting in good faith with the March for Justice people for more than a month now. They are troubled by the problems that have been brought forth, both large and small. There are areas of agreement; such as hiring more minority officers, making the process more accessible, having a police/community forum. The Mayor has said he wanted to set a deadline for presenting recommendations to Council. That does not mean the dialog cannot continue after that time. We have to find ways of listening to each other. We have to work to heal the community together.

ADJOURNED 10:55 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS NOVEMBER 25, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by Councilmember Jones

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of November 12, and November 18, 1996

By Councilmember Lilly

To correct the minutes of the November 18, 1996 session to show that he was absent and excused, and therefore did not vote no on all of the resolutions.

Carried unanimously

Councilmember Allen's motion for approval of the minutes was amended to approve the minutes as corrected and was carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Allen

To accept the following under suspension of the rules:

1. From Councilmember Allen; a letter and petitions signed by parents of Cavanaugh School Students requesting the installation of a designated curbside stopping lane along the south side of Cavanaugh Rd. during drop-off and pick-up times

2. From Councilmember Bauer; a Resolution from the Intergovernmental Relations Committee regarding selection of a Consultant to Complete the Regional Library Study

3. From Councilmember Benavides; Several letters regarding the proposed ordinance to amend the Sewer rate methodology

PUBLIC HEARINGS

A. In consideration of an amendment to Chapter 1042, Section 1042.04, Sewer Rate Methodology for the purpose of Providing for a Change to the Methodology Used in Establishing Sewer Rates and Charges

Richard Collins of 225 Moores River Dr., President of Citizens for a Better Lansing, spoke in support of the 100% commodities based sewer rate methodology. They have decided that this is the fairest, most equitable method for all customer classes, and promotes the conservation of water resources.

Gretchen Couraud, Vice President of Government Relations for the Greater Lansing Regional Chamber of Commerce, said that they have 2,100 members in this region, 1,000 of which are in Lansing. They oppose this ordinance and support the current rate which is based on the services to each customer. This is a question of large volume water users versus small volume water users. This is not big business against residential users.

Larry Kruth of 409 W. Gier, representing Douglas Steel and the Business Sub-Committee of the Chamber of Commerce, spoke in opposition to this ordinance. This is an issue of variable costs versus fixed costs. He urged Councilmembers not to spend a lot of time re-visiting this issue, as they have done every year.

Thomas Hernly of 3425 Palmer St. urged honesty and accountability from Councilmembers on this issue.

Connie Delaney 3721 Aurelius Rd. urged Councilmembers to listen to the residential property owners. She supports the 100% commodities based methodology.

Helen Fiser of 12100 S. Cork in Morrice spoke in support of the 100% commodities based methodology for sewer rates.

Alexander Bolt of 1230 Reo Rd., an employee of General Motors Corp. and a member of UAW, spoke in support of the 100% commodities based sewer rate methodology. He suggested a compromise utilizing a commodities based rate and offering a volume discount.

Tom Lafferty of 1806 W. Michigan asked Council to take care not to do anymore harm. He supports this ordinance.

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Barbara Larson of 6127 Farmington Crt. in E. Lansing, appearing on behalf of Lansing Community College, spoke in opposition to the proposed ordinance.

Pamela Winslow of 921 Thomas L. Parkway in Lansing Township, representing EDS of 905 Southland, spoke in opposition to the proposed ordinance.

Robert Hahns of 1403 Fletcher stated that he has lived in his house for 27 years. He was told when he bought the house that it already had separated sewers. He does not want to be forced to leave this community by continuing and escalating fees. He supports the 100% commodities based sewer rate.

Jim Zupkis of 2464 Emerald Lake Dr. in E.. Lansing, a member of the Board of Directors of the Chamber of Commerce and Plant Manager of the General Motors Assembly Plant, commended Council on the current methodology. This community needs to be concerned about small businesses in the city. The new proposal would damage these businesses. Hospitals, Schools and Restaurants would pay increased rates under the proposed plan. Additionally, Council needs to be considerate of future businesses that might come into town.

Paul Aube of 3642 Lake in Haslett, speaking on behalf of jet die businesses in Lansing, said that they are already having a hard time. He invited Councilmembers, particularly Councilmember Allen, to visit their plant and talk to their employees regarding the impact this ordinance will have on them.

Ralph Shepard of 12916 Georgia in Grand Ledge, President of UAW Local #652, speaking on behalf of the Lansing residents who are members of his local, asked Councilmembers why they pass laws that do not help the people they are supposed to help and that hurt people that are not supposed to be hurt. Council should be looking at resolving the problems this community faces, not creating more of them.

Art Baryames of 2423 S. Cedar, owner of Baryames Cleaners, said that he is in the top 30 group of water consumers in Lansing. The proposed ordinance would have a significant impact on his business. It would cost his company over tens of thousands of dollars. He cannot just pass this cost on to the consumer. His company employs 230 people in this City. He urged Council to stick with the current methodology.

George Grabowski of 1434 E. Jolly Rd., owner of Lansing Gardens, said that he is a large volume water user. He wants fair rates for everyone.

John Dobrowolski a resident of Okemos, here representing Demmer Corporation, stated their support of the existing sewer rate methodology. The City, he said, must be cognizant of the image it projects to potential businesses when it wavers back and for on issues like this.

Ed Carpenter of 119 S. Larch thanked Mayor Hollister, City Councilmembers, and City Employees for putting up with the debate on this subject over and over again, and for listening to themselves being referred to as dummies. Council needs to vote on this issue based on what is best for the community. Every business in this community will pay if we lose GM. He urged Councilmembers to support the methodology as it currently exists.

Richard Fiser of 12100 S. Cork submitted additional letters in support of the proposed ordinance.

Lloyd Teets of 116 E. Elm St. spoke in support of this ordinance. The small residential customer cannot pass his costs on either, he said. He cannot go to his boss and ask for a raise because his sewer rates have just gone up. The cost of treating sewage is the same for everyone, regardless of the source. Neither businesses, nor residents will leave Lansing if the Council raises their sewer rates.

Frank McAlpine, Attorney on behalf of Walter Jones, spoke in support of the proposed ordinance, saying that the current rate is the result of a concerted effort on the part of the Chamber of Commerce to save big business money by reducing their sewer rates.

Jim Eckland of Haslett, an employee of General Motors, said that he was on the sub-committee that developed the current rate structure. Everyone that uses this system, he said, should pay what is fair. Big losers under the proposed ordinance would be apartments.

Councilmember Beal said that, in her view, it is important that the customers of whatever business is involved pay the cost of the service they receive. This spreads the cost out over a large group of people so that the residents of Lansing are not paying for service provided to people from all over the region by facilities like; L.C.C., Sparrow Hospital, and other businesses. She is willing to consider a discount for high volume water users to be administered through the Board of Water & Light. People should pay for what they use, because consumers and customers of businesses should be the ones paying for the cost of providing their services, not the residents of Lansing.

Councilmember Lilly said that the $2-$4 per month increase for apartment dwellers that

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would result from the passage of this ordinance is not a fair argument for not changing the methodology. Whereas, the average residential customer who uses 4 CCF per month has seen an increase of 31¢ per month, every year for the last 15 years and the large user has seen an increase of 14¢ per month every year for the last 15 years. Creating savings for the residential user will create demand in the business community. Small home owners who save money on their sewer rates will take that money and go out to dinner more often, or, have more suits pressed.

Councilmember Novak described the difference between fixed and variable costs and described a situation involving the two types of costs that could occur under the current system.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

COUNCIL PRESIDENT JONES DECLARED A FIVE MINUTE RECESS OF THIS MEETING OF THE LANSING CITY COUNCIL AT 8:40 P.M. AND RECONVENED THE MEETING AT 8:45 P.M.

PUBLIC COMMENT

Fred Stackable of 300 N. Grand spoke regarding the March for Justice.

William Hubbell of 3816 Wedgewood Dr. spoke in support of the Lansing Police Department and said that the issues addressed in Council Chambers should be limited to Lansing issues and should not include Lansing Township Issues.

Renee Wirtz of 3917 Burchfield Dr. asked for Council's help in retaining the Community Education Swimming Classes that are being canceled because of a lack of funding. She wants the City to find a way to keep these classes going.

Gregory Ventry of 112 W. Larrabee stated that he is a Sergeant of the City of Lansing Police Department. They hold themselves to high ethical and moral standards. There is as much diversity within this Department as there is in the community. He described The several different means of registering complaints.

Stephen Klein of 3400 S. Cedar St., a newly elected representative of the LPD Non-supervisory bargaining unit, said that the City of Lansing had no involvement in the death of Rex Bell. This death took place outside the City of Lansing and was not even investigated by the LPD.

Alexander Bolt of 1230 Reo Rd. urged people to understand that the entire CSO Project is extremely suspect.

Manuel Little of 120 W. Michigan, a Sergeant at the LPD, said that he has been a member of this department for 10 years, serving the last three years as an under-cover agent/narcotics officer. He defended the integrity of his department and fellow officers and commended their contribution to the community.

Ruth Hallman of 1014 W. Lapeer spoke in support of the Lansing Police Department.

Carol Wood of 1018 W. Lapeer spoke in support of the LPD and the men and women who work there. She commended them on the job that they do and the risks they take in serving the community every day.

Frank Curtis "X", no address given, spoke in support of the March for Justice.

Linsey Misik of 4255 Harris Rd. said that there is no basis for racism. No one is better than anyone else.

Lloyd Teets of 116 E. Elm St. welcomed the members of LPD that attended tonight's meeting and advised them that just because Reverend Stone has made charges against some of the members of the LPD does not mean that he believes that the whole department is bad.

Hazel Bethea of 1002 W. Shiawassee spoke in support of the LPD.

Hope Wiseman of Osband St. spoke regarding the death of Jesse Tijerina during a confrontation with the Lansing Township Police Department.

Debra Foster of 1714 Comfort St. asked why so many people are being shot with guns. Animal control agents do not even use bullets on animals. They use tranquilizer guns, why can't this be done with people?

Rose Castilla of 1417 Lyons asked why she had to be forced to come back to address Council again regarding racial injustices. Her uncle, Jesse Tijerina, was murdered by the police last week.

Craig Jones of 3407 W. Mt. Hope spoke in support of the formation of a citizen review board. The police should realize that they need the people who have come down here to address Council more than the people need the police. Because, if something is wrong out on the streets, it is not the people in these chambers that police should fear, it is the ones out on the street taking a different form of justice.

Ammahad Shekarakki of 902 W. Willow said that they are fighting for simple rights that should have been theirs since birth.

Bob Zimmerman of 1813 Lyons Ave. spoke regarding the attitude of white supremacy that exists in this city.

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Mary Hauser of 6 Lawler Ct. spoke in support of the LPD and said that a few years ago one of her relatives was shot and killed by the LPD, however, she did not blame the Police Department for mistakes made by her nephew. These officers act to save lives every day, sometimes it is necessary for them to use their guns. It is not right to stereotype them just because they are police.

Marcel Whitney of 2111 Osband protested the death of Jesse Tijerina.

Leigh Taylor of 2022 E. Main said that they are only trying to make the point that the Police Department has some problems.

Tom Hernly of 3425 Palmer St. said that police officers have only a split second to make decisions that will take, or save, their lives.

Christine Timmon of 335 E. St. Joe spoke in support of the Lansing Police Department. She stated that she has come up against them from both sides of issues and these officers seem more like social workers than police officers to her.

Jim DeLine of 2717 Hampden said that he is a member of the civil support staff of the Lansing Police Department. LPD Officers, he said, go in to the neighborhoods of the City on their off-time to teach sports to the young people. They do not ask the race of the kids that they work with, mentor, or teach and play sports with. These are unfair characterizations of a fine group of men and women who give of themselves to this community without asking for anything in return.

Robert Cunningham of 645 protested the article that appeared in the State Journal criticizing Reverend Stone.

Fred Porter of 3700 W. Holmes said that his daughter was involved with the LPD recently and had a complaint about their treatment of her. He advised her to take her complaint to the Police Department and state it to them in a reasonable manner and she would receive justice. He personally escorted his daughter to LPD to make her complaint. They were waited on by one of the officers involved in the Edward Swans death who listened to their complaint and dismissed it out of hand because he refused to "listen to any more of this black stuff."

Ernesto Mireles of 1097 Meadowlawn spoke in support of the March for Justice and protested the killing of Jesse Tijerina by the Lansing Township Police Department. He urged everyone interested in protesting this death to attend the Lansing Township Board meeting on Tuesday, November 26, 1996 at 7:30 P.M.

Darnell Oldham, Sr. of 3815 Berwick Dr. said that Reverend Stone is not a hate monger and is not the cause of the sickness and problems of this community.

Rita Bunton of 3311 Brisbane said that the members of the March for Justice have brought their issues to the table personally and objectively. They are not a hate group, nor are they hate mongers. Lansing has been lucky, other cities have seen violent protests.

Virginia Bozek of 419 Clarendon, E. Lansing said that the LPD START Team shot and killed her son, Gary Bozek, when he was on his own property and had committed no crime.

Reverend Laurence Hinton of 1016 N. Crest Dr. in Dewitt Twp. said that there is a cancer in the Lansing Police Dept., it's sickness has been sealed up tight, but that is good, because now we can find a remedy for it. He defended Reverend Stone, saying that he is not afraid of having a dialogue with anyone.

Reverend Lester Stone of 1603 W. Kalamazoo urged Mayor Hollister not to present his recommendations regarding the issues and ideas of the March for Justice until after the March members have submitted their own requests and recommendations to him. They plan to submit these recommendations the second week of January 1997 and it would be unwise, and an act of deception on the Mayor's part to submit his recommendations prior to them finalizing their process.

Clyde Smith of 2244 Tecumseh River Dr. urged Mayor Hollister to come forth with a set of recommendations according to his original time-line so that the citizens can take a look at them and make sure that they are fair to everyone and provide justice for everyone. The requests made by this group will not benefit him, nor many other citizens.

Margaret Klotz of 9504 Chadwick Rd. in Laingsburg urged Councilmembers to listen to the complaints about the Police Department and establish a Citizens Review board.

Jerry Boles, Chief of Police of the Lansing Police Department said that he would like to speak on both sides here tonight, however he has to speak in support of his Department and it's members because they have been feeling a great deal of pain in the last several weeks. Sometimes, they are unable to measure up to the very high standards they have set for themselves. There is accountability built into the system, however, no process can dictate the results of any situation.

John Parks of 3400 S. Cedar, a Sergeant at

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the LPD South Side Police Precinct said that Lansing Police Officers do not hold race for, or against people when they serve them. They serve the community without regard to minority status.

Alberta Jordan, no address given, spoke in support of the Reverend Lester Stone and protested remarks made by Councilmember Beal after last week's meeting.

Tracy Hampton of 1608 W. Washtenaw urged Mayor Hollister to wait until the March for Justice has submitted their recommendations to submit his to City Council. Racism exists in our society today, it always has and always will.

Reverend Andrew Brodie of 1124 Glenn St. said that he does not understand how the Administration and City Council can possibly believe that there is not a problem when they are aware of all of the killing that has been going on. There is no sense in denying that racism exists in this department.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Reverend Lester Stone, Pastor of Friendship Baptist Church regarding Mayor Hollister's intent to submit recommendations on their negotiations by December 1st

REFERRED TO THE MAYOR AND THE COMMITTEE OF THE WHOLE

B. Letter from Renee Wirtz of 3917 Burchfield Dr. regarding Community Education classes offered by the Lansing School District

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

C. Letter from the Tri-County Regional Planning Commission requesting appointments to fill vacant seats caused by the term expirations of Councilmembers Benavides, Bauer and Leeman on December 31, 1996

REFERRED TO THE COUNCIL PRESIDENT

D. Notice from the State of Michigan Department of Environmental Quality of Permit #96-11-0527 issued to New Tower Inc. of 3420 Pine Tree Rd. for construction within the Floodplain of the Red Cedar River

REFERRED TO THE MAYOR

E. Letter from Attorneys on behalf of the Lansing Christian School Association protesting the City's response to the Stormwater Enterprise Fund fee appeal they filed

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

F. 31 Letters in support of a change in sewer rate methodology

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

G. 4 Letters in opposition to a change in sewer rate methodology

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

H. Letter from the Ingham County Board of Commissioners regarding the Consolidated Courts Facility

REFERRED TO THE MAYOR

I. Petition signed by 53 residents requesting the installation of New Playground Equipment in Dunnebacke Park

REFERRED TO THE MAYOR

J. Letters from the Lansing Eaton Neighborhood Organization re:

1. Requesting Council assistance with the removal of unwanted, unsafe playground equipment

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

2. Regarding the gate to Fulton Park being left padlocked, making the park inaccessible

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

3. Requesting the installation of new trash containers, picnic tables and picnic grills to Fulton Park

REFERRED TO THE MAYOR AND THE COMMITTEE ON GENERAL SERVICES

MAYOR'S COMMENTS

Mayor Hollister said that he is a City Official, elected by all of the people of the City, to serve all of the people of the City. We must be very careful of the language we use and the accusations that we make, this applies to all sides of this issue. There are so many members of the LPD here tonight because they feel that they have been attacked and called racists and brutalists. He understands their feelings, he also understands the frustration and anger felt

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by the members of the March for Justice at being called hate mongers because they have brought their concerns and issues to the City Council. Again, we need to be careful in our dialogues and in our language and accusations.

We have a professional Police Department that tries to serve all of the people and that is NOT filled with racism, and is NOT brutal, and is NOT filled with injustice. The words spoken in these chambers over the last several weeks have not been spoken to defame the LPD, but we all recognize that we all have issues to deal with and we all have a responsibility to face those issues and deal with them.

There is a complaint process in place. Complaints against the Police Department will be investigated by their Internal Affairs Division, if the complainant is not satisfied with the actions of the IAD, they can bring their complaint to the Board of Police Commissioners, and if they are still not satisfied, they can bring their complaint to the Human Relations Department, if they still do not feel that they have received justice, they can bring their complaint to the Mayor's Police Community Relations Board, and ultimately, if they still have not received satisfaction there are state laws that protect their rights to equal treatment under the law.

He wants to make his recommendations to show that he has listened to the ideas and recommendations of the March Participants, and to allow the City to move the process forward by presenting suggestions to correct some of these problems. That is the process that is in place; to bring recommendations to Council to allow them make progress with the implementation stage.

They have received the complaints of the Bozek family and are taking them seriously, He apologized to the Bozek's for not having made a personal acknowledgment of their complaints.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS: Wrecker Service, Rau's Mobile Automotive

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from Chief of Police, Jerome G. Boles, II regarding the Lansing Police Department and recent attacks made on the Department

REFERRED TO THE COMMITTEE OF THE WHOLE

D. Lansing Housing Commission Audit Report FY End June 30, 1996

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

E. Letters from the Mayor re:

1/ Transfer of Funds: LPD, Human Relations and Community Services, LFD

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Letter from James Person, Chairman of the Board of Police Commissioners Regarding the Dialogue Circle Program

RECEIVED AND PLACED ON FILE

3/ Letter of Appreciation from Dan & Kathy Reynolds to Officer Frank K. Mobley of LPD

RECEIVED AND PLACED ON FILE

4/ Appointment of Donald B. Heck to the Building Board of Appeals for a Term to Expire June 30, 1999

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

5/ Change of Intent: LFD Communication Equipment

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

6/ Grant Acceptance: Street Level Drug Enforcement

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

7/ City of Lansing Rating of Credit Status

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #542
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to amend the Codified Ordinances of the City of Lansing by repealing Chapter 274 and declaring the same to be null and void and of no effect,

REPORTS AS FOLLOWS: The Committee

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RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

SIGNED: TONY BENAVIDES
JOAN BAUER
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #543
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, TO WHOM WAS REFERRED AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LANSING BY REPEALING CHAPTER 275 AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

SIGNED: TONY BENAVIDES
JOAN BAUER
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #544
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, TO WHOM WAS REFERRED AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE CITY OF LANSING BY REPEALING CHAPTER 297 AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

SIGNED: TONY BENAVIDES
JOAN BAUER
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #545
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, TO WHOM WAS REFERRED AN ORDINANCE TO ADD A NEW CHAPTER 295 TO THE CODIFIED ORDINANCES OF THE CITY OF LANSING, FOR THE PURPOSE OF ESTABLISHING AND CONTINUING AN AFFIRMATIVE ACTION PROGRAM WITHIN THE CITY OF LANSING,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

SIGNED: TONY BENAVIDES
JOAN BAUER
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTION #546
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, TO WHOM WAS REFERRED AN ORDINANCE TO ADD A NEW CHAPTER 273 TO THE CODIFIED ORDINANCES OF THE CITY OF LANSING, FOR THE PURPOSE OF CONSOLIDATING THE FUNCTIONS AND PURPOSES OF THE HUMAN RELATIONS AND HUMAN RESOURCES BOARDS AND ESTABLISHING A HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD,

REPORTS AS FOLLOWS: THE COMMITTEE RECOMMENDS THAT THE ORDINANCE BE ADOPTED.

SIGNED: TONY BENAVIDES
JOAN BAUER
RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #547
BY COUNCILMEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MANAGER OF CODE COMPLIANCE HAS REQUESTED SETTING OF PUBLIC HEARINGS ON PROPOSED ORDERS TO DEMOLISH OR OTHERWISE MAKE SAFE DILAPIDATED STRUCTURES AT SEVERAL ADDRESSES; AND

WHEREAS, THE CHAIRPERSON OF THE COMMITTEE ON PUBLIC SAFETY HAS REVIEWED THE REQUEST AND CONCURS THAT PUBLIC HEARINGS SHOULD BE SET;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY DIRECTS THAT PUBLIC HEARINGS BE SCHEDULED AND ANNOUNCED FOR 7 PM ON MONDAY, DECEMBER 9, 1996, IN THE COUNCIL CHAMBERS ON THE 10TH FLOOR OF LANSING CITY HALL, FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED ORDERS TO DEMOLISH OR OTHERWISE MAKE SAFE DILAPIDATED AND DANGEROUS

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STRUCTURES LOCATED AT:

-422 SOUTH BUTLER, PARCEL NO. 3301-17-476-221-5, S 22 FT LOT 20 & *N* 12 FT LOT 21 BLOCK 9 BUSH, BUTLER & SPARROW S ADD

-322 BINGHAM, PARCEL NO. 3301-15-332-141-7, N 3 ½ R OF E 6 R LOT 9 BLOCK 14 GREEN OAK ADD

-1225 CLARK, PARCEL NO. 3301-10-401-151-0, LOT 31, OTTO S ADD

-1429 TURNER, PARCEL NO. 3301-09-252-181-7, COM 12.5 FT N OF SE COR LOT 4, BLOCK 9, TH W 165 FT, *S* 41 FT, E 165 FT, N 41 FT TO BEG; SEC 9 & BLOCK 9, ORIGINAL PLAT

-2026 WILLIAM, PARCEL NO.3301-20-104-041-1, LOT 19 & W ½ LOT 20, RIVERCREST SUB

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #548
BY COUNCILMEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MANAGER OF CODE COMPLIANCE HAS REQUESTED SETTING OF PUBLIC HEARINGS ON PROPOSED ORDERS TO DEMOLISH OR OTHERWISE MAKE SAFE DILAPIDATED STRUCTURES AT SEVERAL ADDRESSES; AND

WHEREAS, THE CHAIRPERSON OF THE COMMITTEE ON PUBLIC SAFETY HAS REVIEWED THE REQUEST AND CONCURS THAT PUBLIC HEARINGS SHOULD BE SET;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY DIRECTS THAT PUBLIC HEARINGS BE SCHEDULED AND ANNOUNCED FOR 7 PM ON MONDAY, DECEMBER 16, 1996, IN THE COUNCIL CHAMBERS ON THE 10TH FLOOR OF LANSING CITY HALL, FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED ORDERS TO DEMOLISH OR OTHERWISE MAKE SAFE DILAPIDATED AND DANGEROUS STRUCTURES LOCATED AT:

-723 EAST PARK TERRACE, PARCEL NO. 3301-10-353-191-4, LOT 20 YOUNG, STABLER AND YOUNG S EAST PARK ADD

-326 WEST WILLOW, PARCEL NO. 3301-09-180-131-0, E 52 FT OF S 66 FT LOT 1 SUB OF LOT 3 & PART OF LOT 4 BLOCK 25

-1031 CLEAR, PARCEL NO. 3301-21-254-050-8, LOT 22 CLEAR S SUB OF BLOCK 204

-1229 SHEPARD, PARCEL NO. 3301-22-282-081-2, LOT 213 CITY PARK SUB

-1105 EAST OAKLAND, PARCEL NO. 3301-10-330-141-0, LOT 2 BLOCK 2 ORCHARD GROVE

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #549
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CITY COUNCIL PASSED A RESOLUTION ON OCTOBER 9, 1995, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW CHAPTER, CHAPTER 1043, TO THE CODE OF ORDINANCES, CITY OF LANSING, ESTABLISHING A STORMWATER ENTERPRISE FUND-,

WHEREAS, THE CITY ISSUED THE 1995 STORMWATER ENTERPRISE FEES ON DECEMBER 22, 1996; AND

WHEREAS, THE CITY TREASURER HAS PROVIDED FOR THE COLLECTION OF THE STORMWATER FEES THROUGH VARIOUS MEANS OF PAYMENTS INCLUDING PARTIAL PAYMENTS, AND THAT THESE FEES HAVE REMAINED DELINQUENT FOR A PERIOD OF OVER SIX (6) MONTHS; AND

WHEREAS, APPEALED STORMWATER ENTERPRISE FEES SHALL NOT BECOME DELINQUENT UNTIL SIX MONTHS AFTER A FINAL DECISION IS REACHED REGARDING THE APPEAL, PURSUANT TO CHAPTER 1043.08 OF THE CODE OF ORDINANCES, CITY OF LANSING; AND

WHEREAS, DELINQUENT BILLS WITH A BALANCE DUE OF LESS THAN $1 1.01 SHALL NOT BE PLACED ON THE DECEMBER 1996 TAX ROLL, IF A PARTIAL PAYMENT OF THE BILL HAS BEEN MADE; AND

NOW, THEREFORE BE IT RESOLVED, THE PUBLIC SERVICE DEPARTMENT IS REQUESTED TO MAIL A LETTER TO ALL PROPERTY OWNERS WHOSE STORMWATER BILL IS DELINQUENT. THIS LETTER WILL INFORM THE OWNER OF THE PLACEMENT OF THEIR DELINQUENT BILL ON THE DECEMBER 1996 TAX ROLL AND INCLUDE THE STORMWATER ENTERPRISE FEE APPEALS PROCESS FOR THE 1996 STORMWATER ENTERPRISE BILL, AS WELL AS A DESCRIPTION OF THE GENERAL CLAIMS REVIEW PROCESS, AND THAT THE CITY ASSESSOR SHALL ESTABLISH ROLL W-0095, WHICH SHALL INCLUDE THE PROPERTY PARCELS HAVING DELINQUENT STORMWATER ENTERPRISE FEE BALANCES DUE MORE THAN $11.00.

BE IT FINALLY RESOLVED, THE CITY COUNCIL AUTHORIZES THE MAYOR TO AFFIX, WITHIN TEN DAYS, HIS WARRANT DIRECTING THE CITY ASSESSOR TO PLACE ON THE DECEMBER 1996 TAX BILL, THE 1995 DELINQUENT STORMWATER ENTERPRISE FEES AS PROVIDED BY THE CITY TREASURER ON OR BEFORE THE 1ST OF NOVEMBER, 1996.

BY COUNCILMEMBER BENAVIDES

TO CORRECT RESOLUTION #521, ADOPTED BY THIS

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Council on November 4, 1996 by replacing it with the resolution as corrected above

Carried unanimously

PULLED AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES COUNCILMEMBER BENAVIDES TO APPROVE CORRECTIONS ON BEHALF OF COMMITTEE & PLACE ON 12/2/96 AGENDA

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, this Council appropriated $30,000 in the FY97 General Fund Budget to pay certain costs of use of the Lansing Center by community organizations; and

WHEREAS, the Committee on General Services has reviewed a request for payment of such costs from the Greater Lansing Area Holiday Commission for the annual Martin Luther King Luncheon at the Lansing Center on January 20, 1997; and

WHEREAS, the Committee has recommended that funds be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a charge in the amount of $3,450.00 to account #101-173901-741200-0 for Lansing Center rental costs of the Martin Luther King Luncheon.

RESOLUTION #550
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Kenneth E. Balcer, 1646 Wellington, to a vacant At-Large seat on the Board of Fire Commissioners, for a term to expire June 30, 1997; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found him to be qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Kenneth E. Balcer to an At-Large seat on the Board of Fire Commissioners, for a term to expire June 30, 1997.

By Councilmember Allen

Carried unanimously

RESOLUTION #551
BY THE COMMITTEE ON PUBLIC SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Committee on Public Services has reviewed the Mayor's proposed security plan for City Hall; and

WHEREAS, the Committee believes that the District Court's security needs should be addressed, but the proposed plan goes beyond the needs of the Court; and

WHEREAS, it is the opinion of the Lansing City Council that it is not appropriate to require in the City Hall lobby a metal detector security screen for all people entering City Hall, but that it is appropriate to install metal detectors on the fifth and sixth floors of City Hall for 54-A District Court security; and

WHEREAS, the City Council believes persons with City Hall basement parking access should not be required to stop on the first floor and pass through a metal detector before going to their City Hall destination;

NOW, THEREFORE, BE IT RESOLVED the City Council remains committed to "open government", and establishes the policy of the Council that all first floor access points to City Hall remain open for members of the public to attend public meetings of the Council and its committees; and

BE IT FINALLY RESOLVED the City Council requests that a Councilmember be appointed to attend administrative committee meetings regarding City Hall security to address the Councils concerns.

By Councilmember Leeman

To place an affirmative roll on the resolution

By Councilmember Lilly

To amend the Resolution in the final paragraph to insert the words "OR COUNCIL STAFF MEMBER" following the word Councilmember

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1, Councilmember Leeman dissenting

COUNCILMEMBER LEEMAN'S MOTION FOR AFFIRMATIVE ROLL WAS

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 7

NAYS: 1, Councilmember Leeman dissenting

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RESOLUTION #552
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

THAT THE FOLLOWING TRANSFERS BE APPROVED;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$589,056	EST. REV.-STATE & FEDERAL PROGRAMS 273-0-170001-0	
$44,040		SALARIES 273-343253-708000-17630
$ 4,154		OVERTIME 273-343253-708000-17630
$25,074		FRINGE BENEFITS 273-343253-715000-17630
$ 7,030		MISC. & OPER. EXPENSES 273-343253-961741-17630
$25,056		CONTR. SERV.-TEMP HELP 273-343253-961743-17630
$ 6,470		BUILDING RENTAL 273-343253-745100-17630
$32,634		SUBGRANT-MISC. EXP. 273-343253-961741-17630
$444,598		SUBGRANT-CONTRACTUAL SERVICES 273-343253-961743-17630

(STATE OFFICE OF CRIMINAL JUSTICE RECEIPTS AND MATCHING FUNDS FROM TRI-COUNTY METRO PARTICIPANTS FOR ASSET SEIZURE ACTIVITIES. REVENUE DETAIL ACCOUNTS 273-0-501026-17630 (FEDERAL $294,528). 273-0-579302-17630 (STATE POLICE $55,370), 273-0-580000-17630 (INGHAM CO., $42,431), 2730-969265-17630 (CITY $196,727).

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$2,500	ESTIMATED REVENUES-GENERAL FUND 101-0-170001-0	GENERAL ADMIN.-CONTROL 101-173901-992200-0
$2,500	GENERAL ADMIN.-CONTROL 101-173901-992200-0	SISTER CITIES 101-173901-741292-0

(DONATION FROM BUILDERS EXCHANGE OF LANSING TO ENABLE SISTER CITIES TO CONSTRUCT DISPLAY CASES. REVENUE DETAIL ACCOUNT 101-0-675000-0)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$6,000	FUND BALANCE-GENERAL FUND 101-0-390001-0	COMMUNITY SUPPORTED ACTIVITIES-CONTROL 101-834101-992200-0
$6,000	COMMUNITY SUPPORTED AGENCIES-CONTROL 101-834101-992200 -0	SPARROW HOSPITAL 101-834101-960209-0

(REAPPROPRIATION OF FUNDING FOR HEALTH CARE SUMMIT. FUNDS ACCIDENTALLY LAPSED TO FUND BALANCE AT YEAR END FY 96.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$34,000	CDBG-REHABILITATION 252-932663-975201-32000	EMERGENCY SHELTER 252-932663-991264-32000

(EMERGENCY SHELTER GRANT MATCHING FUNDS.)

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #553
BY CITY COUNCIL

WHEREAS, IN ORDER TO ATTRACT CUSTOMERS TO THE DOWNTOWN MERCHANTS AND RESTAURANTS DURING THE 1996 HOLIDAY SEASON, THE PARKING SYSTEM STAFF AND PUBLIC SERVICE DIRECTOR RECOMMEND A HOLIDAY PARKING PROMOTION TO BE OFFERED IN THE PARKING RAMPS ON THREE THURSDAYS BETWEEN THANKSGIVING AND CHRISTMAS;

NOW, THEREFORE BE IT RESOLVED, THE LANSING CITY COUNCIL HEREBY AFFIRMS THE HOLIDAY PARKING PROMOTION;

BE IT FURTHER RESOLVED, SIXTY RUBBER VALIDATION STAMPS WILL BE DISTRIBUTED TO DOWNTOWN MERCHANTS AND RESTAURANTS. EACH STAMP WILL ALLOW TWO FREE HOURS OF PARKING IN ANY LANSING MUNICIPAL PARKING SYSTEM ATTENDED RAMP.

BE IT FURTHER RESOLVED, THE BUSINESSES USING THE VALIDATION WILL BE URGED TO USE THE STAMPS ONLY FOR CUSTOMERS WHO MAKE A PURCHASE. THE BUSINESSES WILL NOT BE CHARGED FOR THE FREE PARKING PROVIDED;

BE IT FURTHER RESOLVED, THE FREE PARKING PROMOTION WILL BE OFFERED FOR THE FULL HOURS OF OPERATION OF THE PARKING RAMPS ON THE FOLLOWING DATES;

THURSDAY, DECEMBER 5, 1996
THURSDAY, DECEMBER 12, 1996

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Thursday, December 19, 1996

BE IT FINALLY RESOLVED, all other parking rates not changed by this resolution shall remain in effect.

By Councilmember Beal

Carried unanimously

RESOLUTION #554
RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Council appropriated per Resolution # 225 for FY97 $20,000 for ballfield lighting at Gier Park; and

WHEREAS, to protect the public from lightning strikes a lightning, grounding and surge protection system needs to be installed; and

WHEREAS, a Gier Park outdoor sports lighting study recommends an installation of a lighting protection system at an estimated cost of $50,000 to $60,000; and

WHEREAS, funds currently exist in the Ballfield Development account in the amount of $33,088.54

NOW, THEREFORE BE IT RESOLVED that the City Council designate the funds in the Ballfield Development account be placed in an expenditure account for installation of a lightning protection system at Gier Park.

By Councilmember Beal

Carried unanimously

RESOLUTION #555
BY THE COMMITTEE ON WAYS AND MEANS
Approval to Submit Historic Preservation Grant

WHEREAS, Lansing is rich with historic resources worthy of preservation; and

WHEREAS, the City of Lansing has conducted basic reconnaissance level surveys of many structures within the city, and wishes to further this research; and

WHEREAS, the City of Lansing is currently developing a master plan for the North Lansing area, and will be completing a strategic plan for downtown development areas and adjacent properties; and

WHEREAS, the Old Town neighborhood is on the National Register of Historic Places, and participates in the Main Street Program by the National Trust for Historic Preservation and Local Initiatives Support Corporation; and

WHEREAS, the City of Lansing has applied for designation as a Certified Local Government, appropriated $50,000 for historic preservation of commercial buildings, and authorized the hiring of a Historic Preservation Senior Planner; and

WHEREAS, the Economic Development Corporation of Lansing has identified downtown Lansing, the Pere Marquette area, and the Old Town neighborhood of North Lansing as targeted development areas for economic development financing; and

WHEREAS, the Michigan Department of State, through its Bureau of Michigan History, has made available funding for Historic Preservation Grants on a 60/40% matching basis; and

WHEREAS, the City of Lansing is desirous of applying for such a grant from the Bureau of History to complete the following historical surveys:

1) a reconnaissance level survey for historic properties in the Oldsmobile Park area, the North Lansing-Old Town Revitalization Planning Area, the River Point Neighborhood, the 2000 block of E. Michigan Ave, and the 900-1 000 blocks of W. Saginaw,

2) an intensive level survey of those Lansing buildings previously identified as meriting further study, particularly along N. Capitol Ave., S. Washington Ave., the Michigan School for the Blind, and the Moores Park Neighborhood; and

WHEREAS, the proposed project will allow the City of Lansing to identify and protect historic resources in these targeted areas where development is taking place; and

WHEREAS, the City of Lansing has determined that qualified historical consultants should be retained to survey and research the areas and structures identified above under the guidance of the Historic Preservation Planner, at a maximum cost of $26,000 of which the City match would be an amount not to exceed $10,400 or 40% of the total cost; and

WHEREAS, the Planning and Neighborhood Development Department's 1996-1997 budget already earmarks $10,000 for the purpose of providing matching funds for this grant request;

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NOW THEREFORE BE IT RESOLVED, that the Lansing City Council approves the submission of the grant application to the Bureau of History, Michigan Department of State for the purpose of accepting funds to complete the above projects at a cost to the City not to exceed $10,400.00.

BE IT FURTHER RESOLVED THAT David C. Hollister, Mayor of the City of Lansing, is authorized and directed to file such an application for up to $15,600 for the above outlined scope of services, and that upon approval of the final application by the Department of State, he shall be authorized to sign the contract and any necessary amendments, and to establish the appropriate expenditure accounts for this grant.

By Councilmember Beal

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Bauer, Beal, Benavides, Jones, Leeman, Novak

NAYS: Councilmembers Allen, Lilly

RESOLUTION #556
BY THE COMMITTEE OF THE WHOLE

WHEREAS, the City of Lansing, through the Act 285 review process, has determined that vacant property owned by the City located on the west side of the 1300 Block of Turner Street should be sold and developed for residential housing; and

WHEREAS, the Administration has solicited developers for this property in accordance with the City's Request for Qualifications/Proposals (RFQ/P) process, and has evaluated the proposals according to the criteria developed during the ACT 285 review process; and

WHEREAS, the selection committee wishes to recommend Ferguson Development Limited Liability Company as the developer for the property subject to the following:

1. Completion of a Development Agreement within 90 days of the date of the approval of this resolution;

2. Understanding that the property will be sold to the Developer for nominal consideration ($1.00) and that all closing costs will be the responsibility of the Developer;

3. Understanding that all costs associated with the relocation of the River Trail in a manner acceptable to the City will be at the Developer's expense;

4. Understanding that there will be 46 condominium units; 23 units will have 2 bdrms with 1,150 sq.ft. and 23 units with 3 bdrms and 1,750 sq.ft.;

5. Understanding that these units will be financed with conventional mortgages.

6. Understanding that the City will maintain ownership of the fifty feet adjacent to the Grand River along the western edge of the property and that the Developer will grant easements to the City over any other portion of the property required for the relocation of the River Trail and utility easements as may be required;

7. Understanding that the City will complete land survey and environmental assessment of the property and work out an environmental reclamation program in conjunction will the Developer; the specifics of this program will be detailed in the Development Agreement;

8. Understanding that the Developer will be responsible for all site preparation other than environmental remediation if necessary;

9. Understanding that the City Council will initiate rezoning of the property to DM-3 Residential District;

10. Understanding that the closing and actual sale of the property will not occur until the developer has submitted site, design, and building plans with an appropriate timetable for the completion of the project acceptable to the City.

WHEREAS, the City Council did, on April 1, 1996, approve the marketing and potential sale of the subject property, and

WHEREAS, the Committee of the Whole has reviewed the report of the Administration and concurs therewith;

NOW, THEREFORE BE IT RESOLVED that the Lansing City Council hereby concur in the selection of Ferguson Development Limited Liability Company as developer of vacant, city owned property on the west side of the 1300 Block of Turner Street subject to the conditions (1-10) listed above.

BE IT FURTHER RESOLVED that the Administration be authorized to negotiate ~~and execute~~ a Development Agreement and Sales Agreement in accordance with the conditions outlined in this resolution SUBJECT TO FINAL SUBMISSION TO AND APPROVAL BY THE LANSING CITY COUNCIL..

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BE IT FURTHER RESOLVED that this development will progress in consultation with the neighborhood residents and community associations.

BE IT FINALLY RESOLVED that if ~~the conditions are not satisfied~~ THE DEVELOPMENT AGREEMENT IS NOT APPROVED BY THE COUNCIL within ~~the 90~~ 120 days ~~period~~ subsequent to THIS DATE, ~~the approval of this resolution~~ THAT THE ~~sale~~ DEVELOPMENT AGREEMENT SHALL BECOME ~~is~~ null and void.

By Councilmember Beal

To accept a friendly amendments suggested by City Attorney Smiertka and proposed by Councilmember Novak as follows:

Amend the first "BE IT FURTHER RESOLVED" clause to read as follows:

"BE IT FURTHER RESOLVED that the ADMINISTRATION be authorized to negotiate a Development Agreement and Sales Agreement in accordance with the conditions outlined in this resolution, subject to final submission to and approval by the Lansing City Council."

and to amend the BE IT FINALLY RESOLVED clause to read as follows:

"BE IT FINALLY RESOLVED that if the Development Agreement is not approved by the Council within 120 days subsequent to this date, that the development agreement shall become null and void.

and, to place an affirmative roll on the resolution as amended

Carried unanimously

RESOLUTION #557
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the City of Lansing is named as respondent in a real property tax appeal, filed with the Michigan Tax Tribunal, which is entitled Good Will Company, Inc. v City of Lansing, Docket No. 225502; and

WHEREAS, an appraiser for the City has prepared an appraisal analysis of the subject property in which an accurate conclusion of value is contained; and

WHEREAS, the property owner has agreed with the appraiser's analysis of value; offered to settle the appeal based upon such value; and

WHEREAS, the proposed settlement would result in a refund of taxes in the amount of approximately $14,020.00; and the City Attorney and Assessor recommend said settlement receive approval by City Council;

NOW, THEREFORE, BE IT RESOLVED that Lansing City Council hereby approves payment of approximately $14,000.00, pursuant to said proposed settlement as a full and final settlement of said property tax appeal.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforesaid property tax appeal.

By Councilmember Beal

Carried unanimously

ITEM #XIII F-3, RESOLUTION APPROVING A GRANT ACCEPTANCE FOR THE OLDSMOBILE PARK FOUNTAIN, WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER BEAL BECAUSE IT WAS NOT AVAILABLE AT THE TIME OF THE COUNCIL MEETING

RESOLUTION #558
BY THE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, by Resolution #438 of September 16, 1996, the Council appropriated the sum of $15,000 from the General Fund Balance to be combined with like amounts from Ingham County and the Lansing School District for the purpose of obtaining a library consultant to evaluate the strengths and weaknesses of the current library systems and to make recommendations on developing and financing an optimal library system; and

WHEREAS, the County of Ingham and the Lansing School District have appropriated like amounts; and

WHEREAS, a consultant, Plante & Moran, has been selected, but not engaged, in accordance with the resolutions and such selection meets the approval of both the County and the School District;

NOW THEREFORE, BE IT RESOLVED that the selection of Plante & Moran as the library consultant pursuant to resolution #438 is hereby approved and, notwithstanding anything in Resolution #438 to the contrary, the City may disburse the $15,000 in connection with Plante & Moran's engagement.

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By Councilmember Bauer

Carried unanimously

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
AMENDING CHAPTER 292
EMPLOYEES RETIREMENT SYSTEM

By Councilmember Benavides:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 292, Section 292.01, 292.40, 292.31, 292.35, 292.40, 292.49, for the purpose of Clarifying the Definition of Credited Service, Providing for Compensation Limitations Pursuant to Section 401(a)(17) of the United States Internal Revenue Code, Providing for Employer Pick-up of Member Contributions for FOP Police 911 Operators, Teamster 214 Members, Teamster 580 Members, Exempt Employees, Executive Plan Employees, and District Court Exempt Employees Pursuant to Section 414(h) of the United States Internal Revenue Code, Providing for the Exclusive Purpose of the Retirement System Funds Pursuant to Section 401(a)(2) of the United States Internal Revenue Code, Providing for Benefit Limitations Pursuant to Section 415 of the United States Internal Revenue Code and Required Distributions Pursuant to Section 401(a)(9) of the United States Internal Revenue Code, was introduced by Councilmember Benavides and referred to the Committee General Services.

RESOLUTION #559
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Benavides:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, December 9, 1996 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Amending Chapter 292, Section 292.01, 292.40, 292.31, 292.35, 292.40, 292.49 for the purpose of Clarifying the Definition of Credited Service, Providing for Compensation Limitations Pursuant to Section 401(a)(17) of the United States Internal Revenue Code, Providing for Employer Pick-up of Member Contributions for FOP Police 911 Operators, Teamster 214 Members, Teamster 580 Members, Exempt Employees, Executive Plan Employees, and District Court Exempt Employees Pursuant to Section 414(h) of the United States Internal Revenue Code, Providing for the Exclusive Purpose of the Retirement System Funds Pursuant to Section 401(a)(2) of the United States Internal Revenue Code, Providing for Benefit Limitations Pursuant to Section 415 of the United States Internal Revenue Code and Required Distributions Pursuant to Section 401(a)(9) of the United States Internal Revenue Code

Interested persons are invited to attend this public hearing

By Councilmembers Benavides

To place an affirmative roll on this resolution

By Councilmember Novak

To recuse Councilmember Lilly from the vote on the introduction of this ordinance, because his wife, as a employee of the City of Lansing, would be affected by the ordinance

Carried unanimously, Councilmember Lilly Abstaining

COUNCILMEMBER BENAVIDES' MOTION FOR AFFIRMATIVE ROLL WAS

CARRIED UNANIMOUSLY, COUNCILMEMBER LILLY ABSTAINING

INTRODUCTION OF ORDINANCE
ADDING A NEW CHAPTER, CHAPTER 1612
HAZARDOUS MATERIALS COSTS RECOVERY

By Councilmember Beal:

That an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 1612, for the purpose of providing for Hazardous Materials Costs Recovery, was introduced by Councilmember Beal and referred to the Committee on Public Safety

RESOLUTION #560
RESOLUTION SETTING PUBLIC HEARING

By Councilmember Beal:

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, December 9, 1996 at 7:00 P.M. in the Council Chambers, 10 Floor, City Hall, 124 W. Michigan Ave., for the purpose of considering an Ordinance to amend the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 1612 for the purpose of providing for Hazardous Materials Costs Recovery

Interested persons are invited to attend this

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PUBLIC HEARING

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER BENAVIDES

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER BENAVIDES

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON GENERAL SERVICES :

BY COUNCILMEMBER BENAVIDES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY REPEALING CHAPTER 274, FOR THE PURPOSE OF THE PURPOSE OF REPEALING THE PROVISION OF THE HUMAN RESOURCES ADVISORY BOARD, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON GENERAL SERVICES :

BY COUNCILMEMBER BENAVIDES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY REPEALING CHAPTER 274, FOR THE PURPOSE OF THE PURPOSE OF REPEALING THE PROVISION OF THE HUMAN RESOURCES ADVISORY BOARD, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

BY COUNCILMEMBER BENAVIDES

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION FOR THE PUBLIC PEACE, HEALTH, OR, SAFETY SHALL TAKE EFFECT UPON IT'S PASSAGE

CARRIED UNANIMOUSLY

ORDINANCE #955

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTER 274 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 274 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN, ENTITLED "HUMAN RESOURCES ADVISORY BOARD", OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN, IS HEREBY REPEALED AND DECLARED NULL AND VOID AND OF NO EFFECT.

SECTION 2. ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT ON THE THIRTIETH (30TH) DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY THE COUNCIL.

GIVEN IMMEDIATE EFFECT BY MOTION OF COUNCILMEMBER BENAVIDES

MARILYNN SLADE, CITY CLERK

BY COUNCILMEMBER BENAVIDES

THAT WE MOVE TO THE PASSAGE OF ORDINANCES

BY COUNCILMEMBER BENAVIDES

THAT THE ORDINANCE WHEN READ BE CONSIDERED AS READ IN ITS ENTIRETY.

BY THE COMMITTEE ON GENERAL SERVICES :

BY COUNCILMEMBER BENAVIDES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY REPEALING CHAPTER 275, FOR THE PURPOSE OF REPEALING THE PROVISION OF THE HUMAN RELATIONS BOARD, BE PLACED ON ORDER OF IMMEDIATE PASSAGE

BY THE COMMITTEE ON GENERAL SERVICES :

BY COUNCILMEMBER BENAVIDES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LANSING BY REPEALING CHAPTER 275, FOR THE PURPOSE OF REPEALING THE PROVISION OF THE HUMAN RELATIONS BOARD, BE NOW PASSED.

YEAS: COUNCILMEMBERS ALLEN, BAUER, BEAL, BENAVIDES, JONES, LEEMAN, LILLY, NOVAK

NAYS: NONE

ABSENT: NONE

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By Councilmember Benavides

That this ordinance, being necessary for the immediate preservation for the public peace, health, or, safety shall take effect upon it's passage

Carried unanimously

ORDINANCE #956

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTER 275 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT.

The City of Lansing Ordains:

Section 1. That Chapter 275 of the Code of Ordinances of the City of Lansing, Michigan, entitled "Human Relations Board", of the Code of Ordinances of the City of Lansing, Michigan, is hereby repealed and declared null and void and of no effect.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect on the thirtieth (30th) day after enactment unless given immediate effect by the Council.

Given immediate effect by motion of Councilmember Benavides

Marilynn Slade, City Clerk

BY Councilmember Benavides

That we move to the passage of Ordinances

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES :

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances of the City of Lansing by Repealing Chapter 297, for the purpose of Repealing the Provisions for Human Relations, be placed on order of immediate passage

BY THE COMMITTEE ON GENERAL SERVICES :

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances of the City of Lansing by Repealing 297, for the purpose of Repealing the Provisions for Human Relations, be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

By Councilmember Benavides

That this ordinance, being necessary for the immediate preservation for the public peace, health, or, safety shall take effect upon it's passage

Carried unanimously

ORDINANCE #957

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REPEAL OF CHAPTER 297 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING AND DECLARING THE SAME TO BE NULL AND VOID AND OF NO EFFECT.

The City of Lansing Ordains:

Section 1. That Chapter 297 of the Code of Ordinances of the City of Lansing, Michigan, entitled "Human Relations", of the Code of Ordinances of the City of Lansing, Michigan, is hereby repealed and declared null and void and of no effect.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect on the thirtieth (30th) day after enactment unless given immediate effect by the Council.

Given immediate effect by motion of Councilmember Benavides

Marilynn Slade, City Clerk

BY Councilmember Benavides

That we move to the passage of Ordinances

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES :

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By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 295, for the purpose of Establishing and Continuing an Affirmative Action Program within the City of Lansing, be placed on order of immediate passage

BY THE COMMITTEE ON GENERAL SERVICES :

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 295, for the purpose of Establishing and Continuing an Affirmative Action Program within the City of Lansing, be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

By Councilmember Benavides

That this ordinance, being necessary for the immediate preservation for the public peace, health, or, safety shall take effect upon it's passage

Carried unanimously

ORDINANCE #958
CHAPTER 295
AFFIRMATIVE ACTION PROGRAM

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO CREATE A NEW CHAPTER 295 TO THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, FOR THE PURPOSE OF ESTABLISHING AND CONTINUING AN AFFIRMATIVE ACTION PROGRAM WITHIN THE CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

Section 1. That a new Chapter 295 be added to the Code of Ordinances of the City of Lansing, Michigan, to read as follows:

(A) THERE IS HEREBY ESTABLISHED AN AFFIRMATIVE ACTION PROGRAM WITHIN THE CITY. THE MAYOR OR A DESIGNEE, HEREAFTER REFERRED TO AS THE AFFIRMATIVE ACTION OFFICER FOR THE CITY, SHALL BE RESPONSIBLE FOR ADMINISTERING AND IMPLEMENTING THE AFFIRMATIVE ACTION PLAN FOR THE CITY;

(B) THE AFFIRMATIVE ACTION OFFICER SHALL DEVELOP AND IMPLEMENT AFFIRMATIVE ACTION PROGRAMS, INCLUDING, BUT NOT LIMITED TO:

(1) REVIEWING CITY PERSONNEL POLICIES TO ENSURE COMPLIANCE WITH THE CITY AFFIRMATIVE ACTION POLICIES. IF THE AFFIRMATIVE ACTION OFFICER CONCLUDES THAT A HIRE OR PROMOTION IS IN VIOLATION, OR MAY BE IN VIOLATION, OF CITY AFFIRMATIVE ACTION POLICIES, THEN THE AFFIRMATIVE ACTION OFFICER MAY SUSPEND SUCH PERSONNEL TRANSACTION FOR TEN DAYS. THE MAYOR OR A DESIGNEE SHALL RECEIVE ALL PERTINENT DATA REGARDING SUCH HIRE OR PROMOTION AND SHALL HAVE FINAL AUTHORITY TO DETERMINE WHETHER OR NOT SUCH A HIRE OR PROMOTION COMPLIES WITH CITY AFFIRMATIVE ACTION POLICIES;

(2) INVESTIGATING ALL COMPLAINTS OF DISCRIMINATION IN EMPLOYMENT WITHIN THE CITY WHICH ARE REFERRED TO THE AFFIRMATIVE ACTION OFFICER, IF SUCH PERSON IS OTHER THAN THE MAYOR. THE AFFIRMATIVE ACTION OFFICER SHALL REPORT TO THE MAYOR THE RESULTS OF SUCH INVESTIGATION;

(3) DEVELOPING AFFIRMATIVE ACTION POLICY RECOMMENDATIONS, INCLUDING AN AFFIRMATIVE ACTION PLAN;

(4) DEVELOPING AND REVIEWING PROCEDURES FOR ASSURING COMPLIANCE WITH AFFIRMATIVE ACTION POLICIES AND THE AFFIRMATIVE ACTION PLAN; AND

(5) REVIEWING PROCEDURES FOR RECRUITING MINORITIES WITHIN CITY EMPLOYMENT AND FORWARDING RESULTS OF SUCH REVIEWS AND ANY RECOMMENDATIONS TO THE MAYOR; AND

(C) THE MAYOR SHALL REQUIRE THAT ALL CITY DEPARTMENTS, BOARDS, COMMISSIONS, AGENCIES, OFFICERS AND EMPLOYEES SHALL RENDER TO THE AFFIRMATIVE ACTION OFFICER WHATEVER REASONABLE ASSISTANCE AND INFORMATION IS REQUESTED BY SUCH OFFICER; HOWEVER, THIS CHAPTER EXCLUDES THE CITY COUNCIL AND ITS STAFF, WHICH IS GOVERNED BY SECTIONS 1-302 AND 3-207.3 OF THE CITY CHARTER.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with these provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by the City Council.

Given Immediate effect by motion of Councilmember Benavides

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Marilynn Slade, City Clerk

By Councilmember Benavides

That we move to the passage of Ordinances

By Councilmember Benavides

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON GENERAL SERVICES :

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 273 for the Purpose of Consolidating and Reorganizing the Functions and Purposes of the Human Relations and Human Resources Boards and Establishing a Human Relations and Community Services Advisory Board, Describing its Functions and Powers, and Providing for Non-discrimination for City Employment, be placed on order of immediate passage

BY THE COMMITTEE ON GENERAL SERVICES :

By Councilmember Benavides

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 273 for the Purpose of Consolidating and Reorganizing the Functions and Purposes of the Human Relations and Human Resources Boards and Establishing a Human Relations and Community Services Advisory Board, Describing its Functions and Powers, and Providing for Non-discrimination for City Employment, be now passed.

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Jones, Leeman, Lilly, Novak

NAYS: None

ABSENT: None

By Councilmember Benavides

That this ordinance, being necessary for the immediate preservation for the public peace, health, or, safety shall take effect upon it's passage

Carried unanimously

ORDINANCE #959
HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO CREATE A NEW CHAPTER 273 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, FOR THE PURPOSE OF CONSOLIDATING AND REORGANIZING THE FUNCTIONS AND PURPOSES OF THE HUMAN RELATIONS AND HUMAN RESOURCES BOARDS AND ESTABLISHING A HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD, DESCRIBING ITS FUNCTIONS AND POWERS, AND PROVIDING FOR NON-DISCRIMINATION FOR CITY EMPLOYMENT.

THE CITY OF LANSING ORDAINS:

SECTION 1. That a new Chapter 273 be added to the Code of Ordinances of the City of Lansing, Michigan, to read as follows:

CHAPTER 273.
HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD.

273.01 STATEMENT OF PURPOSE.

TO PROVIDE A CITIZEN BOARD CALLED THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD TO FOSTER MUTUAL UNDERSTAND AND RESPECT AMONG ALL GROUPS IN THE CITY AND PROMOTE ESSENTIAL HUMAN SERVICES TO MEET CITIZENS NEEDS WITHIN THE COMMUNITY; ADVISE AND RECOMMEND METHODS FOR FURNISHING EQUAL SERVICES TO ALL RESIDENTS OF THE CITY; STUDY AND EXAMINE PROBLEMS ARISING BETWEEN GROUPS IN THE CITY; FORMULATE AND CARRY OUT PROGRAMS OF COMMUNITY EDUCATION AND INFORMATION; EXAMINE REPORTS OF DISCRIMINATION OR PREJUDICE; COOPERATE WITH OTHER PUBLIC GOVERNMENTAL OR PRIVATE AGENCIES IN DEVELOPING INSTRUCTION FOR PRIVATE AND PUBLIC SCHOOLS SHOWING THE VALUE OF DIVERSITY; COOPERATE WITH FEDERAL, STATE AND CITY AGENCIES AND DEPARTMENTS WHICH REQUEST ADVICE IN CARRYING OUT PROJECTS WITHIN THEIR RESPECTIVE AUTHORITIES; CONCILIATE ALLEGED DISCRIMINATORY PRACTICES RELATING TO CITY GOVERNMENT; MONITOR CONTRACTING AGENCIES DOING BUSINESS WITH THE CITY TO ASSURE ADHERENCE TO APPLICABLE LAWS; SERVE IN AN ADVISORY CAPACITY TO THE MAYOR AND CITY COUNCIL ON ISSUES RELATING TO COMMUNITY SERVICES, HUMAN RELATIONS AND BUDGET RECOMMENDATIONS, AND PREPARE AND SUBMIT REPORTS TO THE MAYOR AND CITY COUNCIL OF ITS ACTIVITIES.

273.02 ESTABLISHMENT.

THERE IS HEREBY ESTABLISHED A HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY

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BOARD FOR THE CITY OF LANSING FORMED IN ACCORDANCE WITH THE LANSING CHARTER, ART. 5, CHAPTER 1.

273.03 COMPOSITION; TERMS OF OFFICE; VACANCIES.

(A) THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD SHALL CONSIST OF EIGHT (8) MEMBERS WHO ARE APPOINTED BY THE MAYOR WITH THE ADVICE AND CONSENT OF CITY COUNCIL. FOUR (4) MEMBERS SHALL BE FROM THE CITY-AT-LARGE AND ONE MEMBER SHALL BE APPOINTED FROM EACH OF THE FOUR (4) WARDS. ELIGIBILITY SHALL BE IN ACCORDANCE WITH THOSE QUALIFICATIONS REQUIRED BY THE CITY CHARTER FOR HOLDING OFFICE, ARTICLE 5, CHAPTER 1, SECTION 5-103;

(B) APPOINTMENTS TO THE BOARD REPRESENTING EACH WARD FOR THE FIRST TERM SHALL BE FOR ONE, TWO AND THREE YEAR TERMS. THEREAFTER, THERE SHALL BE FOUR (4) YEAR TERMS, COMMENCING JULY 1. TERMS FOR THE AT-LARGE MEMBERS SHALL BE STAGGERED SO THAT AT LEAST ONE SHALL EXPIRE EACH YEAR. THE CHAIRPERSON SHALL BE ELECTED ANNUALLY BY A MAJORITY VOTE OF THE MEMBERSHIP OF THE BOARD; AND

(C) APPOINTMENTS TO FILL VACANCIES SHALL BE MADE UPON THE OCCURRENCE OF THE VACANCY AND EACH PERSON SO APPOINTED SHALL TAKE OFFICE IMMEDIATELY UPON THE CONFIRMATION OF CITY COUNCIL TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERMS. IF A VACANCY IS NOT FILLED WITHIN SIXTY (60) DAYS AFTER THE OCCURRENCE OF THE VACANCY, CITY COUNCIL SHALL APPOINT A COMMITTEE OF (3) THREE OF ITS MEMBERS TO ACT INSTEAD OF THE MAYOR IN THE MAKING OF SUCH APPOINTMENT.

273.04 POWERS AND GENERAL DUTIES.

THE BOARD SHALL:

(A) FOSTER MUTUAL UNDERSTANDING AND RESPECT AMONG ALL GROUPS IN THE CITY AND PROMOTE ESSENTIAL HUMAN SERVICES TO MEET CITIZENS NEEDS WITHIN THE COMMUNITY. IT SHALL DISCOURAGE DISCRIMINATORY PRACTICES AMONG ANY SUCH GROUPS OR ANY MEMBERS THEREOF. IT SHALL COOPERATE WITH CITY, STATE AND FEDERAL AGENCIES, AS WELL AS WITH NONGOVERNMENTAL ORGANIZATIONS. IT SHALL EXAMINE AND MAKE SUCH STUDIES IN ANY FIELD OF HUMAN RELATIONS AS WILL, IN THE JUDGMENT OF THE BOARD, AID IN EFFECTUATING ITS GENERAL PURPOSE;

(B) ADVISE THE MAYOR AND CITY COUNCIL OF HUMAN SERVICE NEEDS WITHIN THE COMMUNITY THAT IMPACT THE QUALITY OF LIFE IN LANSING;

(C) ADVISE THE MAYOR AND CITY COUNCIL ON THE EFFECTIVENESS OF
PROGRAMS FUNDED TO PROVIDE HUMAN SERVICES WITHIN THE COMMUNITY;

(D) SERVE AS A RESOURCE TO ASSIST IN COLLABORATIVE EFFORTS BETWEEN THE HUMAN SERVICES FIELD AND OTHER KEY SECTORS IN THE COMMUNITY;

(E) ADVISE AND RECOMMEND METHODS FOR FURNISHING EQUAL SERVICE TO ALL RESIDENTS OF THE CITY. IT SHALL ADVISE ON THE ENFORCEMENT OF ARTICLE 1, CHAPTER 3, SECTION 1-302 OF THE CITY CHARTER. IT SHALL DEVELOP PAMPHLETS FOR CITY EMPLOYEES TO STUDY, WHICH PAMPHLETS SHALL PRESCRIBE METHODS OF DEALING WITH INTERGROUP RELATIONS WHICH DEVELOP RESPECT FOR EQUAL RIGHTS AND WHICH RESULT IN EQUAL TREATMENT UNDER LAW TO ALL RESIDENTS. IT SHALL GIVE COUNSEL AND ADVICE ON HOW TO PROTECT THE RIGHTS OF ALL PERSONS TO ENJOY PUBLIC ACCOMMODATIONS AND FACILITIES, AND TO RECEIVE EQUAL TREATMENT FROM ALL HOLDERS OF CONTRACTS OR PRIVILEGES FROM THE CITY, AND ADVISE THE BEST METHOD OF MAINTAINING EQUALITY OF OPPORTUNITY FOR EMPLOYMENT AND ADVANCEMENT IN THE CITY GOVERNMENT;

(F) STUDY AND EXAMINE PROBLEMS ARISING BETWEEN GROUPS IN THE CITY, WHICH PROBLEMS MAY RESULT IN TENSIONS, DISCRIMINATION OR PREJUDICES;

(G) FORMULATE AND CARRY OUT PROGRAMS OF COMMUNITY EDUCATION AND INFORMATION, WITH THE OBJECT OF DISCOURAGING AND ELIMINATING ANY SUCH TENSIONS, PREJUDICE OR DISCRIMINATION;

(H) EXAMINE AND, IF IT DEEMS IT ADVISABLE, MAKE PUBLIC, REPORTS ON ANY COMPLAINTS OF DISCRIMINATION, TENSIONS OR PREJUDICE FILED WITH OR REFERRED TO IT;

(I) FURTHER ISSUE SUCH PUBLICATIONS AND REPORTS OF EXAMINATIONS AND RESEARCH AS WILL, IN ITS JUDGMENT, TEND TO MINIMIZE OR ELIMINATE PREJUDICE, INTOLERANCE, RACE OR NEIGHBORHOOD TENSIONS AND DISCRIMINATION, AND WHICH WILL PROMOTE OR TEND TO PROMOTE GOOD WILL;

(J) SECURE THE COOPERATION OF VARIOUS RACIAL, RELIGIOUS, NATIONALITY AND ETHNIC GROUPS, FORMAL OR INFORMAL GROUPINGS IN THE COMMUNITY, VETERANS' ORGANIZATIONS, AND FRATERNAL, BENEVOLENT AND SERVICE GROUPS, IN EDUCATIONAL CAMPAIGNS DEVOTED TO THE NEED FOR ELIMINATING GROUP PREJUDICE, RACIAL OR NEIGHBORHOOD TENSIONS, INTOLERANCE AND DISCRIMINATION;

(K) COOPERATE WITH OTHER PUBLIC GOVERNMENTAL OR PRIVATE AGENCIES IN DEVELOPING COURSES OF INSTRUCTION FOR PRESENTATION IN PUBLIC AND/OR PRIVATE SCHOOLS, IN PUBLIC LIBRARIES OR ANY OTHER SUITABLE PLACE, SHOWING AND ILLUSTRATING THE CONTRIBUTIONS OF VARIOUS RELIGIONS, NATIONALITIES, ETHNIC AND OTHER GROUPS TO THE CULTURE, TRADITION AND PROGRESS OF THE CITY,

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STATE AND NATION, AND FURTHER SHOWING THE DEPLORABLE EFFECTS AND MENACE OF PREJUDICE, INTOLERANCE, DISCRIMINATION AND RACIAL AND NEIGHBORHOOD TENSIONS;

(L) COOPERATE WITH FEDERAL, STATE AND CITY AGENCIES AND DEPARTMENTS WHICH REQUEST ADVICE IN CARRYING OUT PROJECTS WITHIN THEIR RESPECTIVE AUTHORITIES TO ELIMINATE INTERGROUP TENSIONS AND TO PROMOTE INTERGROUP HARMONY. IT SHALL RECOMMEND TO THE MAYOR AND TO CITY COUNCIL MEASURES, INCLUDING LEGISLATION, AIMED AT IMPROVING THE ABILITY OF THE VARIOUS CITY DEPARTMENTS AND AGENCIES TO ENSURE PROTECTION OF ALL PERSONS AND GROUPS FROM DISCRIMINATION. IT SHALL ADVISE ANY OFFICIAL OR COMPETENT AUTHORITY ON MATTERS INVOLVING CIVIL RIGHTS OR THE VIOLATION THEREOF OR THE OCCURRENCE OF TENSIONS, PREJUDICE OR DISCRIMINATION THAT MAY COME TO ITS ATTENTION; AND

(M) PREPARE AND SUBMIT REPORTS TO THE MAYOR AND CITY COUNCIL OF ITS ACTIVITIES. AT LEAST ONE REPORT SHALL BE MADE ANNUALLY.

273.05 MEETINGS; RULES; OFFICERS; COMMITTEES; FACILITIES AND STAFF.

THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD SHALL MEET NOT LESS THAN ONCE A MONTH AND SHALL ADOPT, BY MAJORITY VOTE, SUCH RULES AS IT DEEMS EXPEDIENT FOR THE CONDUCT OF ITS BUSINESS. IT SHALL ELECT A SECRETARY AND SUCH OTHER OFFICERS AS IT DEEMS NECESSARY. THE CHAIRPERSON SHALL APPOINT SUCH COMMITTEES AS THE RULES OF THE BOARD MAY PROVIDE AND SUCH OTHER COMMITTEES AS MAY FROM TIME TO TIME BE FOUND NECESSARY. THE MAYOR MAY ASSIGN TO THE BOARD OFFICE SPACE, FACILITIES AND APPROPRIATE STAFF, AS DETERMINED NECESSARY BY CITY COUNCIL.

273.06 EXAMINATION OF COMPLAINTS; HEARINGS AND STUDIES.

THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD SHALL RECEIVE AND EXAMINE COMPLAINTS OF TENSIONS, PRACTICES OF DISCRIMINATION AND ACTS OF PREJUDICE AGAINST ANY PERSON OR GROUP, AND MAY CONDUCT PRIVATE OR PUBLIC HEARINGS IN ACCORDANCE WITH STATE LAW WITH REGARD THERETO. IF THROUGH THE COURSE OF AN INVESTIGATION IT IS REASONABLE TO CONCLUDE THAT A VIOLATION OF CITY ORDINANCE HAS OCCURRED, THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD SHALL ISSUE A SUMMARY OF IT FINDINGS AND REFER TO THE CITY ATTORNEYS OFFICE FOR ENFORCEMENT. THE BOARD SHALL ALSO CARRY ON STUDIES TO OBTAIN FACTUAL DATA TO ASCERTAIN THE STATUS AND TREATMENT OF RACIAL, RELIGIOUS, ETHNIC AND OTHER GROUPS OR PERSONS IN THE CITY AND THE BEST MEANS OF PROGRESSIVELY IMPROVING HUMAN RELATIONS IN THE CITY.

273.07 FAILURE TO FURNISH INFORMATION TO BOARD.

THE GATHERING OF FACTUAL INFORMATION IS VITAL TO THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD IN THE PERFORMANCE OF ITS DUTIES. IF ANY PERSON FINDS IT IMPRACTICAL TO SUPPLY SUCH INFORMATION TO THE BOARD, THEN THE BOARD MAY, AT ITS DISCRETION, REPORT ON ITS FAILURE TO RECEIVE ADEQUATE INFORMATION TO THE MAYOR AND CITY COUNCIL. THE BOARD SHALL DEVELOP GUIDELINES TO DETERMINE WHAT IS A REASONABLE PERIOD OF TIME FOR THE SUBMISSION OF FACTUAL INFORMATION.

273.08 PROHIBITED DISCRIMINATION BY CITY DEPARTMENTS OR EMPLOYEES.

NO DEPARTMENT OF THE CITY, AND NO CITY OFFICIAL, AGENT OR EMPLOYEE ACTING ON BEHALF OF THE CITY SHALL DISCRIMINATE IN REGARD TO ANY CONDITIONS OF EMPLOYMENT, AGAINST ANY PERSON OF A PROTECTED CLASS AS COVERED UNDER THE ORDINANCES OF THE CITY OF LANSING WHO IS OTHERWISE QUALIFIED, EXCEPT WHERE THE SAME IS A BONA FIDE JOB REQUIREMENT, OR REASONABLY RELATED TO THE ACCOMPLISHMENT OF A LEGITIMATE GOVERNMENTAL PURPOSE.

273.09 COMPENSATION.

THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD MEMBERS SHALL NOT RECEIVE COMPENSATION FOR THEIR SERVICE ON THE BOARD. ANY ACTUAL REASONABLE AND NECESSARY EXPENSES INCURRED BY THE BOARD AND ITS MEMBERS MAY BE PAID UPON APPROVAL BY THE CITY COUNCIL.

273.10 OPEN MEETINGS.

THE BUSINESS CONDUCTED BY THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD SHALL BE OPEN TO THE PUBLIC AND BE HELD IN COMPLIANCE WITH PUBLIC ACT 267 OF 1976, BEING MCL 15.261 TO 15.275. PUBLIC NOTICE OF THE TIME, DATE AND PLACE OF SUCH MEETINGS SHALL BE GIVEN IN THE MANNER REQUIRED BY PUBLIC ACT 267 OF 1976.

273.11 FREEDOM OF INFORMATION.

THE HUMAN RELATIONS AND COMMUNITY SERVICES ADVISORY BOARD SHALL BE SUBJECT TO THE FREEDOM OF INFORMATION ACT BEING PUBLIC ACT 442 OF 1976, MCL 15.231 TO 15.246.

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SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THESE PROVISIONS ARE REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY THE CITY COUNCIL.

Given immediate effect by motion of Councilmember Benavides

Marilynn Slade, City Clerk

CONSIDERATION OF LATE ITEMS

1. From Councilmember Allen; a letter and petitions signed by parents of Cavanaugh School Students requesting the installation of a designated curbside stopping lane along the south side of Cavanaugh Rd. during drop-off and pick-up times

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2. From Councilmember Bauer; a Resolution from the Intergovernmental Relations Committee regarding selection of a Consultant to Complete the Regional Library Study

HANDLED AS RESOLUTION #558

3. From Councilmember Benavides; Several letters regarding the proposed ordinance to amend the Sewer rate methodology

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENTS

Reverend Andrew Brodie of 1114 Glenn spoke regarding the demands of the March for Justice, for justice in the killings of Rex Bell and Edwards Swans.

Clyde Smith of 2244 Tecumseh River Dr. said that having the North Side Police Precinct is like having the police being resident driven.

Lewis Bozek of 4019 Clarendon Rd. in E. Lansing said that the public has the right to look into the actions of any unit of government. He is not against the Police Department, but there are times when it is necessary to look at the actions of individuals.

Tracy Hampton, no address given, speaking on behalf of the March for Justice, said that the complaint system is dysfunctional. Their group does not believe that every person in the Police Department is a problem, just that there are some people who are problems. She criticized Councilmember Beal for the attitude she displayed at last week's meeting.

Angela Matthews of 723 W. Shiawassee said that all they are asking for is honest and fair treatment. If the Mayor stands fully behind the Police Department, who is standing behind the community?

Connie Delaney of 3721 Aurelius Rd. agreed that the Mayor should make recommendations to Council in early December so that negotiation can move into the implementation phase. She urged the March of Justice Participants to give Council and the Administration a chance to works towards what is best for the community.

Disk Fiser of 12100 S. Cork in Morrice, MI spoke in support of the LPD.

Helen Fiser of 12100 S. Cork in Morrice, MI counseled members of the March for Justice not to feel as if they are being treated unfairly. Her group protesting the Stormwater Enterprise Fund fees and Sewage Disposal System methodology have been gavelled down, denied, and shut up, since they started coming here nearly one year ago.

Rita Bunton of 3311 Brisbane objected to the comments made by Councilmember Beal at last week's meeting. They are not hate filled, or racist, and they will keep coming to Council meetings regardless of whatever Councilmembers think.

Lloyd Teets of 116 E. Elm St. offered condolences and sympathy to the Bozek family. The public, he said, has the right to redress of their grievances and to speak to their government, however, it has been his experience that this is a cold and uncaring Council.

Russell Terry of 121 E. Mt. Hope asked Council to help him with his Consumers Power utility bill.

David Tijerina of 115 W. Cavanaugh Rd. spoke regarding the death of his nephew, Jesse Tijerina, who was shot and killed by Lansing Township Police Officers. There were Lansing Police Officers present at the scene that evening and that is why the family is here addressing the Lansing City Council tonight.

Joe Salazar of 611 W. Barnes spoke regarding

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the strike at Melling Drop Forge and the issue of the principles involved in crossing the picket-line.

Reverend Lester Stone of 1606 W. Kalamazoo, Pastor of Friendship Baptist Church demanded that the meeting tonight be adjourned with the understanding that Mayor Hollister will not present recommendations to Council, until after he has received the report of the March for Justice in the second week of January. He stated his pleasure at seeing all of the Police Officers in attendance tonight, and displeasure at the comments made by Chief Boles and his failure to acknowledge that their complaints revolve around a legitimate issue. He told Council that his group will get louder and louder until someone recognizes the fact that there is a problem within the Police Department.

COUNCILMEMBERS COMMENTS

Councilmember Beal said that Council has listened to all of the complaints and issues brought before it for the last many weeks. They recognize that there are legitimate issues that need to be addressed. She explained her upset of last week, saying, that it was caused by the subversion of the Council processes, by people speaking out of turn, by people interrupting the business portion of their meeting and interrupting other speakers, and by people laughing at Councilmember Allen's distress. We all need to practice the golden rule and behave towards others as we would like them to behave towards us. She asked Mayor Hollister several weeks ago to make his recommendations publicly. The Mayor's intent to make his recommendations was not a surprise to anyone, nor was it an act by the Mayor to shove anything down anyone's throat. Council needs his recommendations so that they can proceed with formulating a solution. If there are things that everyone on both sides of this issue can agree on, and there are, then we need to move forward.

Councilmember Leeman urged everyone to visit the Potter Park Zoo Wonderland of Lights. He reported attending the Fire Department graduations. He wished Happy Thanksgiving to everyone.

Council President Jones said that he attended the Ground Breaking of GLAHA's new Ice Skating Rink at Washington Park. He wished everyone a Happy Thanksgiving.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener turned the floor over to Bob Swanson, Director of the Finance Department, and requested that me make a statement regarding the Sewer Rate Methodology and the need for Council to adopt the amendment for sewer rate increases for FY 1996-97.

Mr. Swanson urged Councilmembers to realize the careful consideration that went into developing the current sewer rate methodology and the importance of enacting the 4% sewer rate increase that was agreed upon this summer. The Administration does not support the Ordinance that Council has proposed to change the sewer rate methodology to a commodities based rate.

Mr. Wiener addressed comments made by the public with regard to the deaths of Rex Bell and Edward Swans. The Swans death has been investigated by three different organizations, including the FBI. It has been determined that his death was accidental. The death of Rex Bell was at the hands of Bouncers who work for Sparty's Nite Club, which is located in Lansing Township. This death was not caused by the Lansing Police, nor does it have anything to do with Lansing. With regard to the complaint made by Mr. Porter, the Administration does not condone the statements attributed to the Police Officer with whom Mr. Porter spoke, and they are looking into this complaint. With regard to the complaint system, and the statement that it is broken; There were 128 complaints registered last year of which 68 were sustained. There were various levels of disciplinary action on these complaints against police officers.

The Mayor's statement that he was standing by the Police Department did not mean that he does not stand by the Community. He said that it is important for him to show support for the Police Department and not to accuse them, rather, to work with them until these issues are resolved.

He cannot speak as to the reason for the cancellation of the TV Show that was to broadcast the dialogue circles with Reverend Stone, however, he hopes that the dialogue will continue.

ADJOURNED 12:15 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS DECEMBER 2, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Allen, Beal, Bauer, Benavides, Jones, Leeman, Lilly, Novak

ABSENT: None

The Invocation was observed as a moment of silence in memory of Tito Benavides, and the Pledge of Allegiance was led by Councilmember Jones

APPROVAL OF MINUTES

The Approval of the Printed Council Proceedings of November 25, 1996 was pulled from the agenda at the request of City Clerk Marilynn Slade

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a resolution approving Grant Acceptance for the Oldsmobile Park Fountain

2. From Councilmember Lilly; a resolution approving City Council Initiation of Z-18-96, 4720 S. Cedar St. Rezoning

3. From Councilmember Allen; a letter from Lloyd Teets, Walter Jones, George Warren, and Connie Delaney regarding Sewer Rate Methodology

Carried unanimously

PUBLIC COMMENT

Fred Stackable of 300 N. Grand Ave. agreed with the March for Justice Participants that the Lansing Police Department Complaint Process is dysfunctional. The Internal Affairs Division (IAD), at LPD is a joke. He stated a complaint he has with the Department involving an incident between himself and LPD Officer Tracy Reese.

Darnell Oldham, Sr. of 3418 Berwick Dr. said that the "March" Participants have not made this into a racial issue. It is not an issue of race. They are not hate mongers, they are citizens concerned over the number of deaths at the hands of the Police since February of this year which is disproportionate to the population of this city. He protested disciplinary actions taken against police officers on 6 charges of insubordination, saying, the discipline was not severe enough. None of the officers received time off.

Paget Maynard of 902 W. Shiawassee said that the Police Officers who attended last week's City Council meeting did so in an attempt to intimidate the citizens who have been protesting against the Police Dept. He criticized the undercover/narcotics Police Officer who spoke at last week's meeting and said that most of his "drug buys" are from young black men. He suggested that this Officer, rather than trying to "entrap" young black men, should find a way to have a positive affect on them.

Christine Timmon of 335 E. St. Joseph said that the protests from the March for Justice were engendered by the campaign of Stuart Dunnings, II for Ingham County Prosecutor and Debbie Stabenow for Congress. The issues of racism and discrimination are being pandered and used for political blackmail and extortion. The March for Justice should wait for the decision of the U.S. Justice Department on the death of Edward Swans, and if they do not agree with the results of the investigation by the Department of Justice, they can make their demands to the City. These people are basically criminal and drug sympathizers. She apologized to Councilmembers and Police Officers for the comments they have had to endure.

Winston Felton of 1032½ S. Pennsylvania read a quote by Jacob Jarvis on emancipation. People today do not recognize problems until they are really bad. The only thing that brought this group out is murder. We cannot allow the police to get away with murder because it will cause mistrust among young people. We need to seriously look into the Swans death.

Frank Curtis "X" criticized President Jones, saying that he was discourteous to speakers at last week's meeting. He disagreed with the statements made by Mrs. Timmons. He displayed several books on the black experience in America.

Fred Porter of 3700 W. Holmes repeated the protest he made last week over the treatment He, and his Daughter received when they went to the LPD to make a complaint about treatment

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they received during her recent arrest on an outstanding warrant.

Mark Eggleston of 4001 Heathgate suggested that members of the "March" might benefit from going on a "ride-along" with the LPD.

Calvin Hodge of 5501 Joshua said he has lived in Lansing for the last 27 years and has experienced harassment by the LPD during the whole of that time. People have to be blind, deaf and dumb not to realize that there is a problem.

Peter Bunton of 3311 Brisbane said that the comments that have been made here tonight are heartfelt and sincere. You could feel the tension in this room last week when the chambers were filled with police officers. These officers were clearly angry and mean and will take these attitudes out into the community with them when they go out to serve and protect.

B. Joan Webkamigad of 308 Rumsey Ave. said she has prayed for justice for everyone she urged everyone to work together to bring about peace and justice in the City of Lansing.

Craig Jones of 3407 W. Mt. Hope said that he has been the victim of racist attitudes and unfair treatment by the Lansing Police Department. This issue is polarizing the community, he has already lost friendships because of it. He welcomes the presence of members from the Police Department at these meetings.

Leigh Taylor of P.O. Box 20044 said it is difficult for her to keep coming to Council meetings to talk about their problems when nobody does anything about them. There are still Councilmembers who have not reviewed the video of the Swans death. They are here protesting the abuses that exist in every community against blacks, Hispanics, and American Indians. She criticized the under cover/narcotics officer who entraps members of his own race in degrading and demeaning situations.

Reverend Jackie Wilcox of 3629 Lochmoor said that she is a neighborhood watch coordinator for three streets. She came tonight because she is concerned about the feeling and tone of the last few City Council meetings. She stated that she had a break in attempt at her home which was attended by Sergeant Parks of the LPD. He gave her wonderful service, and even suggested a scripture that would help calm her after the ordeal.

Robert Ovalla of 110 Eastpointe Ln. in E. Lansing sent his sympathy and condolences to the Benavides Family. He spoke regarding an expose on racism in law enforcement that was recently aired on the television show "Prime Time."

Ermius LEmilo, no address given, said that he is the president of BOND, an organization dedicated to rebuilding the black community by rebuilding the black man. Overall the members of the LPD are reputable and honorable men. It is his observation that a lot of there are hidden agendas involved with the "March". A large percentage of black communities need to get their own homes in order. They need to address problems like the amount of black women on welfare and the number of black families without fathers in homes where lone mothers cannot control their sons. They need to work on these problems as a community. the Mayor should not tie the hands of the Police Department, he must be strong and refuse to be intimidated by people who are on the extreme edges of society. The majority the black community supports the LPD and it's police officers.

Alberta Jordan, no address given, objected to the comments of the previous speaker. She said that this is not an issue of color, their demands are for equality regardless of color. Mayor Hollister, she remarked, marched in the Civil Rights protests of the 1960's and had a cross burned on his lawn.

Reverend Bobby Bean, no address given, of the True Life Baptist Church spoke in support of the March for Justice. This situation, he said, is like getting a thorn caught in the skin of your thumb, it will hurt until the thorn is removed.

Reverend William Stokes of 2904 Hillcrest asked Mr. Ermilio for answers about what to do for the single parents in his parish. They have come to these meetings week after week asking for justice, and nothing has been done. He wants to be part of a solution, not part of the problem.

Reverend Lester Stone of 1603 W. Kalamazoo, Pastor of the Friendship Baptist Church demanded that Mayor Hollister wait until the second week of January to release his recommendations. This will give the "March" an opportunity to present their suggestions to him.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Jill L. Lansing of 897 Merrill Ave. regarding noise from truck traffic, in violation of the Noise Ordinance

REFERRED TO THE MAYOR AND REFERRED TO THE

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COMMITTEE ON INTERGOVERNMENTAL RELATIONS

B. Z-17-96, 1301 Block of Turner St., Rezoning Petition from "H" Light Industrial to "DM-3" Residential District filed by the City of Lansing Planning and Municipal Development Department to allow for development of a 46 unit Townhouse/Condominium Project

REFERRED TO THE MAYOR AND THE PLANNING BOARD

C. Z-18-96, 4720 S. Cedar St. (E 183') , Rezoning Petition from "A" Residential to "D-1" Professional Office District filed by the City of Lansing Planning and Municipal Development Department to bring the non-residential zoning compatible with adjacent residential areas to a consistent depth

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Letter from Reverend Lester Stone of Friendship Baptist Church regarding the March for Justice

REFERRED TO THE COMMITTEE OF THE WHOLE

E. Letters from the State of Michigan Department of Treasury re:

1. Requesting Additional Information regarding the General Motors Corp. Small Car Group L. #96-666 Application for Industrial Facilities Exemption Certificate and requesting a correction to the Resolution Approving their Application

REFERRED TO THE MAYOR

2. Requesting Additional Information regarding the General Motors Corp. Small Car Group L #96-667 Application for Industrial Facilities Exemption Certificate and requesting a correction to the Resolution Approving their Application

REFERRED TO THE MAYOR

3. Notice of the Requirement of a Transfer of Employment Resolution from Holt, MI for the Demmer Corporation #96-668 Industrial Facilities Exemption Application

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister read the following letter into the record of this meeting;

December 2, 1996

Council President Howard Jones and Councilmembers
10th Floor, City Hall
124 W. Michigan Ave.
Lansing, MI 48933

Dear Council President Jones and Councilmembers:

A question has been raised as to whether Chief Boles reflected my views when he spoke before City Council on November 25, 1996. I can assure you that the Chief did speak with mea about his remarks and I unequivocally support his statement that the Lansing Police Department is not sick nor is it a mess.

Chief Boles is a professional officer who has dedicated his whole life to serving all of the citizens of Lansing. He has helped create a model police program that is held in high regard throughout this country. Recently, officers from 18 nations came to Lansing to study our community policing philosophy and implementation. Chief Boles' presentation before Council was an appropriate address to you and the larger community.

Chief Boles did not flatly reject the concerns raised by the March for Justice. He acknowledged, as I did in my October 7, 1996, letter to Reverend Stone, that the issue of race impacts Lansing like it impacts all of society. We acknowledge that we must be constantly vigilant to assure that all people are treated equally. The Chief acknowledged that sometimes we do not measure up to our own high standards, but he also assured the community that there is accountability and corrective action is taken when appropriate.

The Chief and I have participated in weekly meetings with the March for Justice organizers. We have listened and dialogued in good faith. We have agreed to submit recommendations that we believe will improve police community relations, and those recommendations are forthcoming. I believe the time for recrimination is over and we need to now focus on how to learn and grow from our recent experiences.

Sincerely,

David C. Hollister
Mayor

and, said that his recommendations are forthcoming. The time for recriminations is over and it is now time for action to be taken to solve the problem. His recommendations are merely a starting point, a place for Council to begin in the formulation of their action. It is time to move to the implementation stage of the process. This is what we have heard over and over again from speakers. He hopes to have his recommendations ready for next week's Council

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meeting. Reverend Stone will have an opportunity to review his recommendations, as will Councilmembers.

Councilmember Beal asked Mayor Hollister to make a report to Council regarding their concerns over the residency requirement issue, and as to his understanding of the substance and understanding of the seriousness of the issue that has been brought before them. She asked that he hold off on making his recommendations until after the "March" has reported to them. She would like his report to include information about what actions he has taken to follow up on the complaints and allegations that they have heard in the past several weeks.

Councilmember Allen urged Mayor Hollister to wait for Reverend Stone's suggestions before making his recommendations. This issue was brought to them at Reverend Stone's instigation and he should be allowed to follow through with whatever process he has planned.

Mayor Hollister responded that people are calling for solutions to be implemented. He does not want to see this issue drawn out until after the New Year. It is time to start the healing process, to focus our efforts on the future and a way to make this thing work. He has an obligation to the Council and an obligation to the community to try to sift through all of the rhetoric and allegations and make recommendations that address them. Then, if the Council and the community thinks they are inadequate, there is a process for recourse.

Councilmember Bauer asked that Mayor Hollister's report contain information relative to the LPD educational processes and diversity training, as well as an update on the current complaint processes.

Councilmember Lilly said that the Mayor has the responsibility, under the charter, to respond and make proposals for remedy to the citizens and Council. However, this is not just a service issue. It cannot be dealt with quickly and pushed aside so that we can move on. It is a problem that is deep reaching, rather than superficial, it's nature is systemic, in that it can become ingrained in the attitude of all officers, and may be a situation that requires much more discussion and thought. If the Mayor makes his recommendations next Monday, Council will probably take a long time to deliberate and discuss his recommendations as well as the suggestions of the "March." This is a situation wherein a large segment of the community does not feel they are being treated fairly by the Police Department. This is being communicated to the youth of this community. We cannot put Lansing in a situation where it has to deal with this problem for a long, long time after today's kids grow up. We cannot rush to judgement as to how we proceed.

Councilmember Leeman urged Mayor Hollister to withhold his recommendation until the date requested by Reverend Stone. He urged "March" participants to submit their complaints about the Police Department in writing.

CITY OFFICER AND BOARD REPORTS

A. Information-only Items from the City Clerk:

Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

B. Letters from the Mayor re:

1/ Appointment of Jennifer Grau to the Historic District Commission for a Term to Expire June 30, 1998

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

2/ Offer to Purchase Washington Square Annex

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3/ LS-10-96, 110-114 Kilborn St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ SLU-08-96, ACT-11-96, Pumping Station and Equalization Basin Acquisition of Parcels for Development

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5/ Letter of Appreciation from the Northtown Neighborhood Association to the LPD Decentralization Team

RECEIVED AND PLACED ON FILE

6/ Transfer of Funds: Public Service Dept.
REFERRED TO THE COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

RESOLUTION #561
BY THE COMMITTEE OF THE WHOLE

WHEREAS, the City of Lansing requested the assistance of the Capital Region Community Foundation for the construction of an interactive fountain at Oldsmobile Park; and

WHEREAS, this interactive fountain will enhance

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THE STADIUM PROPERTY AND IMPROVING THE APPEARANCE OF THE DOWNTOWN AREA; AND

WHEREAS, THE INTERACTIVE FOUNTAIN WILL BE AN AESTHETIC ASSET THAT IMPROVES THE QUALITY OF LIFE IN GREATER LANSING; AND

WHEREAS, THE CAPITAL REGION COMMUNITY FOUNDATION HAS REVIEWED THE REQUEST OF THE CITY OF LANSING AND HAS AGREED TO FUND THE REQUEST IN THE AMOUNT OF $20,000;

NOW, THEREFORE, BE IT RESOLVED, THAT THE LANSING CITY COUNCIL ACCEPT FUNDS FROM THE CAPITAL REGION COMMUNITY FOUNDATION IN THE AMOUNT OF $20,000 TO PARTIALLY COVER THE COSTS OF THE CONSTRUCTION OF AN INTERACTIVE FOUNTAIN AT OLDSMOBILE PARK.

BE IT FURTHER RESOLVED, THAT DAVID C. HOLLISTER, MAYOR OF LANSING, IS AUTHORIZED TO SIGN THE CONTRACT ACCEPTING THE FUNDS FROM CAPITOL REGION COMMUNITY FOUNDATION AND ANY NECESSARY AMENDMENTS, AND TO ESTABLISH THE APPROPRIATE ACCOUNTS FOR THESE FUNDS.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #562
BY COUNCILMEMBER LILLY

WHEREAS, THE LANSING CITY COUNCIL IS DESIROUS OF DEVELOPING APPROPRIATE LAND USE PATTERNS THROUGHOUT THE CITY IN COMPLIANCE WITH THE COMPREHENSIVE PLAN, AND

WHEREAS, THE LANSING CITY COUNCIL BELIEVES THAT IT IS APPROPRIATE TO CONSIDER REZONING OF THE PROPERTY AT 4720 S. CEDAR STREET AS FOLLOWS:

THE EAST 183 FEET OF THE PROPERTY COMMONLY KNOWN AS 4720 S. CEDAR STREET, AND MORE PARTICULARLY DESCRIBED AS COMMENCING ON THE WEST LINE OF S. CEDAR STREET, 984.5 FEET NORTH OF THE SOUTH LINE OF SECTION 33, T4N, R2W, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, THENCE WEST 313 FEET, THENCE NORTH 161.37 FEET, THENCE EAST 313 FEET, THENCE SOUTH TO THE POINT OF BEGINNING

THE REMAINING WEST 130 FEET OF THE PROPERTY COMMONLY KNOWN AS 4720 S. CEDAR STREET, WILL REMAIN ZONED "A" RESIDENTIAL.

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING HAS REVIEWED THE REQUEST OF THE ADMINISTRATION TO INITIATE THE REZONING AS OUTLINED ABOVE-.

NOW THEREFORE BE IT RESOLVED THAT THE LANSING CITY COUNCIL INITIATE A REZONING PETITION FOR PROPERTY AT 4720 S. CEDAR STREET, IN ACCORDANCE WITH SECTION 1240.04 (A) AND THE PROCEDURE CONTAINED THEREIN.

BY COUNCILMEMBER LILLY

TO DISCHARGE THE COMMITTEE ON DEVELOPMENT AND PLANNING FROM CONSIDERATION OF THIS RESOLUTION

CARRIED UNANIMOUSLY

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER LILLY; A RESOLUTION APPROVING GRANT ACCEPTANCE FOR THE OLDSMOBILE PARK FOUNTAIN

HANDLED AS RESOLUTION #561

2. FROM COUNCILMEMBER LILLY; A RESOLUTION APPROVING CITY COUNCIL INITIATION OF Z-18-96, 4720 S. CEDAR ST. REZONING

HANDLED AS RESOLUTION #562

3. FROM COUNCILMEMBER ALLEN; A LETTER FROM LLOYD TEETS, WALTER JONES, GEORGE WARREN, AND CONNIE DELANEY REGARDING SEWER RATE METHODOLOGY

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

PUBLIC COMMENTS

CONNIE DELANEY OF 3721 AURELIUS RD. SAID THAT EVERYONE WANTS THE SAME THING, TO BE TREATED FAIRLY. SHE WANTS FAIR SEWER RATES FOR RESIDENTIAL PROPERTY OWNERS. THEY CANNOT AFFORD TO SUBSIDIZE LARGE VOLUME USERS ANYMORE. SHE MADE SEVERAL SUGGESTIONS AS TO THE SOURCE OF I&I.

PAGET MAYNARD OF 902 W. SHIAWASSEE SPOKE IN SUPPORT OF THE MARCH FOR JUSTICE.

CHRISTINE TIMMONS OF 335 E. ST. JOE SPOKE IN SUPPORT OF THE LPD. SHE HAD A GRANDSON FROM DETROIT ARRESTED BY LPD FOR DRUG TRAFFICKING. THIS YOUNG MAN HAS SINCE TURNED HIS LIFE AROUND AND IS NOW A PRODUCTIVE MEMBER OF HER FAMILY.

DARNELL OLDHAM, SR. OF 3815 BERWICK DR. SPOKE IN SUPPORT OF THE MARCH FOR JUSTICE AND URGED THE MAYOR TO WAIT TO MAKE HIS RECOMMENDATIONS.

WINSTON FELTON, II OF 1032½ S. PENNSYLVANIA THANKED COUNCILMEMBERS FOR ENDORSING DIVERSITY TRAINING AT LPD. HE SAID THAT HE HOPES TO BE ABLE TO WALK DOWN THE STREET IN LANSING AND E. LANSING SOME DAY AND NOT FEEL INTIMIDATED.

VIRGINIA BOZEK OF 419 CLARENDON RD. IN E. LANSING SAID THAT SHE IS GRATEFUL THAT SHE LIVES IN

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a country where we can work to improve police policies and procedures. She protested the $101.30 charge that they were assessed for copies requested in their FOIA.

Lewis Bozek of 419 Clarendon Rd. in E. Lansing said that the LPD should not allow the START Team to go out into situations such as the one in which his son was killed. He commented that refusing to comply with requests that he and his wife have made seems like obstructionism to him.

Councilmember Allen volunteered to pay the copying charges for the Bozek's FOIA out of her Office Holder's Account.

City Attorney Smiertka offered to review the charges for the Bozek foia and to review the material that was deemed to be subject to exception because it would cause a compromise to Police Department operations. And to waive the exceptions, if possible, and report back to Council regarding his findings.

Robert Ovalla of 110 E. Pointe in E. Lansing said that he was the victim of a shooting in 1992 and has tried, without success, to get the case reopened.

Jackie Wilcox of 3629 Lochmoor urged Mayor Hollister to delay his recommendations. She urged everyone to use caution in their statements, and not to make statements about things that they do not know about.

Fred Stackable of 300 N. Grand spoke regarding the failure of the IAD at the Police Department to investigate citizens complaints.

Alberta Jordan, no address given, defended Reverend Stone, saying, that he is not looking for glory.

Mark Eggleston of 4001 Heathgate said that the Citizens of the City should be thankful that they are allowed to speak at the City Council meetings. It is not like this everywhere. Respect is a two way street.

Tim Lewis of 500 W. Pine said that he has become frightened that this issue will tear the City apart. It is as if the racial issue has taken over everyone's thoughts and they are unable to think about anything else.

Tracy Hampton of 1608 W. Washtenaw thanked Councilmembers for the productive meeting they had last Tuesday. She stated her disappointment in the Mayor's Office and his stance regarding their request that he delay making recommendations.

Reverend Lester Stone of 1603 W. Kalamazoo, Pastor of the Friendship Baptist Church, thanked Councilmembers for urging the Mayor to wait to make his recommendations, and for the constructive meeting they had last Tuesday. He objected to the presence of the LPD Officers in Council Chambers last Monday night and said that he refuses to be intimidated by them.

Marge Ojibway of 310 Seymour said that she is a minority, as an American Indian, however, whenever people talk about minorities they seem to be speaking only about African Americans

Lloyd Teets of 116 E. Elm St. criticized President Jones for not allowing him to speak during the first public comment portion of the agenda.

Michael J. Simon of 310 Seymour said that he prays for peace and good health for everyone.

Dick Fiser of 12100 S. Cork in Morrice, Mi spoke in support of the proposed ordinance to change the sewer rate methodology.

Clyde Smith of 2244 Tecumseh River Dr. said that he hopes that the issues surrounding the March for Justice will be wrapped up within the next month. The community needs all of it's individuals to come together and solve this through intellectual and creative thinking. He advocated the use of cam-corders in all police cars to prevent incidents of harassment and brutality.

COUNCILMEMBERS COMMENTS

Councilmember Lilly reminded everyone that any recommendations made by Mayor Hollister that would require a policy change have to be reviewed by the Board of Police Commissioners prior to being approved by Council. He told Mr. Teets that the Council's business meeting tonight lasted less than 30 minutes, yet we have been sitting her now for over 3½ hours, 3 hours of which have been dedicated to public comments. This is more than a reasonable opportunity.

Councilmember Beal stated that she wants a report submitting their findings from the Administration before they get any recommendations for changes. She stated that the charges assessed for the Bozek FOIA should be paid out of the Council General Fund, or waived. She confirmed the regularly scheduled meeting of the Ways and Means Committee this Wednesday at 4:00 P.M. where they will discuss the sewer rate issue.

Councilmember Bauer said that the most important thing they can do for citizens is to listen to their complaints. She thanked Connie Delaney and Helen Fiser for meeting with her to share the research they have completed on the CSO Project. She urged everyone to visit the

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art exhibit at Impression 5 Museum and expressed her sympathy and condolences to the Benavides family and to Theresa & Steve Miller, whose son is in hospitalized because of a shooting incident.

Councilmember Benavides thanked everyone for their support of his family. They appreciate the prayers and thoughts of everyone being with them. He told the March for Justice participants that he regrets missing their meeting last Tuesday, the day his brother died, and hopes that they will be able to schedule another meeting that he can attend. He said that the Mayor's recommendations should be in concert with the recommendations that come from the "March" and urged Mayor Hollister to delay making his recommendations until January and use the remainder of this month to wrap up the 1996 Calendar Year business. He confirmed the regularly scheduled meeting of the Committee on General Services this Tuesday at 11:30 A.M.

Councilmember Allen announced that this Wednesday is the last Student Government Day this year. This project has been a smashing success. She is very excited about it and proud of all the young people who have participated. She confirmed the regularly scheduled Public Safety Committee meeting this Thursday at 2:30 P.M. She urged Mayor Hollister to delay making his recommendations regarding the requests of the March for Justice.

Councilmember Leeman displayed the three models of refuse carts that will be available beginning January 7, 1997 to eastside residents as part of a Eastside Neighborhood pilot project. Questions about the project may be addressed by calling Waste Reduction Services at 483-4400. He warned citizens that when a new City Council President has been elected, they will realize how liberal President Jones has been in allowing public comments.

Council President Jones read a statement about tax bills having been mailed out in Stormwater Enterprise Fund envelopes in error by the City's contractor. He announced that He, along with Councilmember Leeman, will be absent from next week's Council meeting, as they will be in attendance at the National League of Cities Annual Convention in Texas.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener announced a meeting at the South Side Police Precinct this on Thursday, December 12, 1996 at 7:00 P.M. to distribute Neighborhood Grant Applications.

He reported that the administration has asked the Police Department to investigate Fred Porter's complaint and report back to them.

With regard to the time-line for Mayor Hollister to submit his recommendations regarding the March for Justice. the Administration will file a report stating their response to the comments and complaints made over the last several weeks and setting forth the details of the complaint procedure, the IAD process for handling those complaints, and diversity training. They will be as responsive as they can be. He urged everyone not to look at the Mayor's recommendations as an insult. The Administration is in the middle of this situation. It is a damned if you do, and damned if you don't position to be in. On the one hand people accuse you of not being responsive and want to see how you will deal with the issue, on the other hand people say you should wait to respond to the charges and complaints that have been issued. Either way, you will be criticized. It is up to the Executive Office of the City to respond, somehow. Otherwise, we are in a no-win conversation where people are talking to us and we are not responding. We have a formal process that requires us to make recommendations. Clearly, any recommendations that the Mayor makes can be adopted and then reconsidered, or, the Council can make their own recommendations. Any recommendations that the Mayor made would not be the end result, nor would they be the end of the dialogue. It is appropriate for them to respond and try to move the process forward.

He said that Mayor Hollister has not made conflicting statements regarding the existence of racism in the LPD. His statement was that he acknowledges the existence of racism in society, not that he acknowledges racism within the Police Department, and that all racism needs to be eradicated.

ADJOURNED 1100 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS DECEMBER 9, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by Vice-President Beal

PRESENT: Councilmembers Allen, Bauer, Beal, Benavides, Lilly, Novak

ABSENT: Councilmembers Jones, Leeman

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by the Scout Bear Den of Pack 401 from Cavanaugh School and their Den Leader, Chuck Proper

APPROVAL OF MINUTES

By Councilmember Allen

To approve the printed Council Proceedings of Approval for the Printed Council Proceedings of November 25th and December 2, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Lilly

To accept the following under suspension of the rules:

1. From Councilmember Lilly; a Resolution approving the sale of property by the Board of Water & Light for a portion of the Erickson St. Station

2. From Councilmember Lilly; a Resolution setting a Public Hearing for January 13, 1997 in consideration of SLU-07-96, 3700 S. Waverly Rd.

3. From Councilmember Lilly; a Resolution setting a Public Hearing for January 13, 1997 in consideration of SLU-08-96, N. End of Roosevelt Ave. Pumping Station Equalization Basin

4. From Councilmember Lilly; a letter from Bill Bradford announcing a "Wild Game Dinner Benefit" to be held at Corey's Restaurant on December 15, 1996 from 1:00 - 5:00 P.M. The cost of tickets is $10.00 and the proceeds will benefit the Make-A-Wish Foundation

SPECIAL CEREMONIES

A. Mayor Hollister presented Certificates of Recognition to Estella Escamilla, Coordinator, and participants of the YMCA Corporate Challenge.

B. Councilmember Bauer presented a Resolution of Tribute to Representatives of the Wohlert Corp. in observation of the occasion of their 100th Birthday.

C. Councilmember Beal, along with Mayor Hollister and his Business ombudsman, Bob Johnson, spoke in recognition of the Lansing Blackhawk's Youth Football Organization. Mayor Hollister commended the team and the League and announced that Mr. Johnson of his staff is a former Blackhawk. They stated their pride in this organization which interacts with over 1,000 kids in the Michigan Youth Football League, including Cheerleaders. These kids learn a lot from this organization and the games. It is not just football, they learn how to be good students and good citizens.

PUBLIC HEARINGS

A. In consideration of an Amendment to Chapter 292, Section 292.01, 292.40, 292.31, 292.35, 292.40, 292.49 for the Purpose of Clarifying the Definition of Credited Service, Providing for Compensation Limitations Pursuant to Section 401(a)(17) of the United States Internal Revenue Code, Providing for Employer Pick-up of Member Contributions for FOP Police 911 Operators, Teamster 214 Members, Teamster 580 Members, Exempt Employees, Executive Plan Employees, and District Court Exempt Employees Pursuant to Section 414(h) of the United States Internal Revenue Code, Providing for the Exclusive Purpose of the Retirement System Funds Pursuant to Section 401(a)(2) of the United States Internal Revenue Code, Providing for Benefit Limitations Pursuant to Section 415 of the United States Internal Revenue Code and Required Distributions Pursuant to Section 401(a)(9) of the United States Internal Revenue Code

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. In consideration of an Amendment to Add a New Chapter, Chapter 1612 for the Purpose of Providing for Hazardous Materials Costs Recovery

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There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

C. In consideration of the issuance of Orders for Make-safe or Demolish for Properties located at:

- 422 S. Butler
- 322 Bingham
- 1225 Clark
- 1429 Turner
- 2026 William

There were no speakers for this Public Hearing

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT

Roxanne Johnson of 1302 Pompton Cr. thanked Council for requesting that the Mayor delay making recommendations to address the "March for Justice" issues.

Helen Fiser of 12100 S. Cork in Morrice spoke in support of a 100% commodities based sewer rate methodology.

Lloyd Teets of 116 E. Elm St. stated his support for a 100% commodities based sewer rate methodology. He opposes the resolution introducing a change to Council Rule #19, and suggested that it was racially motivated.

Frank Curtis "X" spoke in support of the requests from the "March for Justice."

Darnell Oldham, Sr. of 3815 Berwick spoke in support of the "March for Justice" and criticized the Administration for the handling of the death of Edward Swans while in the custody of the Lansing Police Department. He accused Mayor Hollister of "Hog-tieing" and "strangling" the Board of Police Commissioners with regard to their investigation of this death.

Mark Eggleston of 4001 Heathgate said that Council's approval of appropriation of Community Use Funds should take place prior to the event, not after. He thanked Council for helping clean up Fulton Park.

Paget Maynard of 902 W. Shiawassee spoke in support of the "March for Justice."

Willie Davis of 1136 Shepard, representing the National Black United Front organization, said that he is a member of Friendship Baptist Church and of the Mayor's Commission for a World Class City, and that the life of a black male is cheap in the City of Lansing. He has seen a lot of bigotry at the podium during these City Council meetings. This is the fault of City Leaders, because of all of the foot-dragging that has been taking place for years. Everyone knows that no individual should die in a jail. The City has circumvented their responsibility in this matter. Black people need more representation at this level of the electoral process.

Christine Timmons of 335 E. St. Joseph read item VIII C, a letter she sent in on tonight's agenda.

Andrew Brody of 1114 Glenn St. spoke in support of the "March for Justice." They are not trying to divide this City. They need to get their people out to vote to elect better representation for themselves. He announced that he will conduct seminars to teach people how to vote.

Rita Bunton of 3311 Brisbane thanked Councilmembers for asking Mayor Hollister to delay his recommendations. The "March for Justice" Participants, as well as all people of color are very disappointed in the Mayor. His meetings with them were just a facade.

Peter Bunton of 3311 Brisbane said that he saw an attitude change among City Councilmembers last week. They let people talk longer and exhibited a more understanding attitude. He opposes the change to Council Rule #19. He criticized the Mayor, saying, He (Hollister) was only willing to acknowledge this problem after the March for Justice brought it up to him. He should have brought these issues out into the open himself.

Reverend Laurence Hinton of 1016 Northcrest Rd. said that he respects City Council and was very impressed with last week's Committee of the Whole meeting. He commended Councilmember Allen and the compassion she has shown to members of the "March." He criticized Mayor Hollister for refusing to delay his recommendations until the second week of January. He demanded that they be given a Citizens Review Board to help them ensure that they do not lose anymore members of their community while they are in jail.

Virginia Bozek of 419 Clarendon Rd. in E. Lansing protested the death of her son, Gary Bozek at the hands of the City of Lansing Police Department Start Team. She read an article from the Detroit Free Press about a similar incident that took place in Detroit in which the person lived because he was allowed to talk to his father. She reported paying $23.50 in charges for the information she requested through the FOIA. The police never used the non-lethal weaponry that was available to them. They could have saved her son's life through the use of this type of weaponry. We have a situation in Lansing, where the Police are reviewing Police Actions. This is not realistic.

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Robert Wasserman of 615 Brookland Blvd. spoke regarding a Tri-County Metro Narcotics Squad raid on an E. Lansing residence. He stated his concern over the state of Police agencies in this area. This is a scary situation. Maybe this is not just the tip of the iceberg. Maybe the principals of the Tri-County Metro Narcotic Squad are compromising the civil liberties of all of us.

Angela Matthews of 723 W. Shiawassee thanked Councilmembers for their willingness to sit and listen to these comments every week and to Councilmember Allen for being compassionate. She urged Mayor Hollister to hold his recommendations until after the second week in January.

Ammahad Shekarakki of 902 W. Willow urged Mayor Hollister to wait to make his recommendations. He declared that the United States is the most racist country in the world. He objects to statements to the effect that the participants of the March for Justice are racist themselves and are trying to divide the community.

Councilmember Beal explained that she requested that everyone who wanted to speak at tonight's meeting pre-register so that she could make a determination as to how much time should be allotted to each speaker.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by Vice President Beal

Carried unanimously

A. Letter from Hugh Clarke, Jr. Attorney on behalf of Samuel Hopkins and David Miller regarding their request for payment of attorney's fees

REFERRED TO THE CITY ATTORNEY AND THE COMMITTEE OF THE WHOLE

B. Letters from Continental Cablevision regarding:

-The completion of their merger with US WEST
-The addition of Channels to their Satellite Tier
REFERRED TO THE CABLE AND TELECOMMUNICATIONS ADVISORY BOARD

C. Letter from Christine Timmons and the Citizens Legislation Group regarding the actions of the March for Justice

RECEIVED AND PLACED ON FILE

D. Letter from Lester D. Stone, Pastor of the Friendship Baptist Church regarding the March for Justice

REFERRED TO THE MAYOR

E. Letters regarding a Tri-County Metro Narcotic Squad Raid in E. Lansing from:

- Bill Evans 1949 Tamarisk, E. Lansing
- Lori S. Kunze, 2312 Clifton
- Linda K. Brundage & Ralph B. Kron 225 Maplewood, E. Lansing

REFERRED TO THE MAYOR

F. Letter from Virginia M. Bozek of 419 Clarendon Rd., E. Lansing regarding the death of her son, Gary Bozek

REFERRED TO THE MAYOR AND THE COMMITTEE ON PUBLIC SAFETY

G. Letter from Lloyd R. Teets of 116 E. Elm St. regarding proposals for sewer rate methodologies made at the December 4, 1996 Ways & Means Committee Meeting

REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister announced that he has distributed a packet of materials to Councilmembers. These documents are the first In a two phase report on Police & Community Relations.

He read the following letter into the record of the meeting:

December 9, 1996

Council President Howard Jones
10th Floor, City Hall
124 West Michigan Avenue
Lansing, Michigan 48933

Dear Council President Jones:

Tonight I am presenting the first in a two phase report on police community relations. Over the last few weeks, remarks have been made that I should not make recommendations at this time on the March for Justice issues because my administration had little or no interest in the issues of racial justice until public pressure was created by the group in late September.

I am submitting the attached documents which demonstrate my continuous and ongoing efforts to address the issue of racial equality in our city

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which began at the beginning of my administration.

Attachment #1 - Director's Annual Contract and Report Card Language.
As Mayor, I have created annual report cards on my various administrative initiatives. Enclosed you will find language from the Report Cards of 1994, 1995 and 1996 which specify the actual tasks assigned to directors created to address affirmative action, residency and economic opportunity. This attachment also includes language which is inserted in each cabinet member's contract regarding his or her responsibility to hire affirmatively.

Attachment #2 - Affirmative Action Report of March 1996 for years 1994-95. You will note in the narrative that we hired a recruiter position to assure that qualified minorities are a part of every job pool for every vacancy in the city. Donna Rainey has made every effort to network with churches and community groups to seek out qualified applicants.

Attachment #3 - Affirmative Action Language in Labor Contracts. As you know we are bound by collective bargaining agreements. We can not impose our will on the employees, but must negotiate issues like residency and affirmative action. The inclusion of affirmative action committees was at our initiative and achieved through persistent advocacy on our part.

Attachment #4 - Firefighter Trainee Position. In order to accelerate affirmative action we created Firefighter trainee positions that provide high school students a stipend while in training and a good job at the end.

Attachment #5 - Police Cadet Program. This year we initiated a scholarship and work cooperative program to recruit young people into the Police Department.

Attachment #6 - Recruiter Position Job Description. Donna Rainey was hired even though we had a hiring freeze on the City. Funds to operate the position were taken from each department and her task is to assist recruiting qualified minorities for all city vacancies.

Attachment #7 - Residency Incentive Program (L-Hope). The Council appropriated, at our request, $100,000 to create an employee residency incentive program. Basically, a $5,000 forgivable loan is made available to a city employee who buys a home in the city. To date, 19 loans have been finalized: 8 are police officers, 6 fire fighters; 10 of the 19 loans have been issued to women and minorities.

Attachment #8 - Residency Preference Policy for New Hires (October 1995). Council adopted, at our request, a policy that gives preference to city residence in hiring new employees. Since its adoption, 112 of 169 new hires have been residents of the city.

Attachment #9 - Administrative Procedures: Complaint Procedures (April 1985). People have continuously stated that there is no procedure for reporting and following up on citizens complaints. I am attaching the current policy. This is an area that needs updating and my recommendations are forthcoming.

Attachment #10 - Human Relations and Community Service Department Complaint Procedures. These procedures were updated and codified in April, 1996 and include a special section on complaints regarding the Police Department.

I have embraced diversity training as a goal for this city and so far, the Mayor and the Cabinet, the entire Fire, Public Service and Parks and Recreation Departments have undergone such training.

The police unions, working with the Coalition for Community Concerns, have created a Dialog Circle to begin to deal with racial attitudes in the Police Department. This was a unique effort because the two facilitators of the process were volunteers from the community. It is our intent to have all police officers participate in this effort.

In addition, I have requested that City Attorney Smiertka review wrongful actions suits against the city. He is prepared to give you an update on his findings.

President Jones and Councilmembers, I share these initiatives with you because they clearly demonstrate that this City is committed to racial equality. These initiatives have been part of the on-going efforts of this Administration and Council and have been underway for some time..

I share these initiatives and on-going programs with you to state and demonstrate our commitment and to set the foundation for moving forward. It is my hope and intent that we build on these efforts.

Sincerely,

David C. Hollister, Mayor

Mayor Hollister introduced City Attorney, Jim Smiertka and asked that he explain the history of litigation against the city involving charges of racism, excessive force and brutality in the Police Department.

Mr. Smiertka explained that he went back five years and researched excessive force cases filed in Circuit or Federal Court under Federal

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Statutes. They chose this media because everyone has access to this type of lawsuit. He found that between the years 1992 and 1996 there were 16 cases filed; 3 by African American plaintiffs, 2 by Hispanic plaintiffs and 11 by white plaintiffs. These figures indicate that less than 33% of the cases were brought by minorities. Of the 16 cases; 2 were settled, 3 were dismissed, 2 were fully tried and received jury verdicts and there are 9 cases pending.

On the basis of these lawsuits filed, he cannot conclude that there is a pattern of brutality or excessive force at LPD, nor can he conclude that there is a basis for a charge of excessive force against minorities.

Councilmember Beal asked how this compares with the number of complaints filed and who has possession of the complaints that have been filed.

Mr. Wiener responded that the Police Department provides an annual report of the number of administrative complaints made about police officers for various reasons throughout the year. He will see that a 5 year history and statistical report of administrative complaints and the resolution of the complaints is provided to Councilmembers.

Councilmember Allen questioned the reliability of the report promised by Mr. Wiener, because there is not always a resolution brought to the complaint process. She asked for an indication of when Mayor Hollister's recommendations would be forthcoming and urged the Mayor to accede to the requests of the "March" and wait until the second week of January.

Councilmember Lilly inquired as to the status of the hiring of fire fighter trainees.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS: Fire Work Display Permit; Larry J. Holey/FestEve

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letter from Assistant City Attorney Roberts submitting Revised Rules of Procedure for the Planning Board

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

D. Letters from the Mayor re:

1/ Transfer of Funds: Human Relations and Community Services, Computer and Communication Services, Public Services

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Grant Acceptance; Urban and Community Forestry Grant Award

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3/ Request to Program Residual Funds: 1996 Greater Lansing Senior Challenge

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Letter of Appreciation from Victor C. Hilbert, Fire Chief, Delta Charter Twp. Fire Dept. to the Lansing Fire Department

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #563
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred a letter from the Lansing-Eaton Neighborhood organization regarding unsafe playground equipment on vacant land between Seaway and Balmoral and between Heathgate/Chadburne and Glenburne,

REPORTS AS FOLLOWS: The Committee discussed the situation with Director of Parks and Recreation Eric Reickel. The property belongs to the Michigan DNR. Mr. Reickel will consult with the DNR property division about removing the old playground equipment. If the matter cannot be handled administratively, Mr. Reickel will report back to the Council. The Committee also requests the Park Board consider accepting the property from the DNR to be used as City parkland. This report is for information only, and no Council action is required at this time.

Signed: Tony Benavides, Chair
Joan Bauer, Vice Chair
Rick Lilly

BY COUNCILMEMBER BENAVIDES:

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That the report of the Committee be received and referred to the Park Board, with a copy to L.E.N.O.

CARRIED UNANIMOUSLY

RESOLUTION #564
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred an ordinance to amend Chapter 292 (Employees' Retirement System), to reflect collectively bargained changes to the terms of the retirement system,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be adopted and given immediate effect so that the changes may be implemented by January 1, 1997.

Signed: Tony Benavides
Joan Bauer
Rick Lilly

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #565
BY COUNCILMEMBER BAUER
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Wohlert Corporation observed its 100th birthday in 1996, tracing its beginning to August 11, 1896, when Madison F. Bates and Ransom E. Olds patented the first gasoline powered engine; and

WHEREAS, in 1899 Mr. Bates and James P. Edmonds established the Bates and Edmonds Motor Company, taking their place among the manufacturing pioneers who would make Lansing the nation's leading producer of gasoline engines; and

WHEREAS, during World War I, the company supplied precision gears and flywheel starter gears for military vehicles, plus elevating gears for naval four-inch guns; and

WHEREAS, in the 1920's, the company was reorganized and the lineage continued as the Bates Tractor Company, then the Bates Wohlert Company, then the Wohlert Corporation in 1933, specializing in precision, high-strength flywheel gears for the automotive industry in peacetime, and a variety of specialized components for the military in wartime; and

WHEREAS, since 1977, the Wohlert Corporation has been owned by Kenneth E. Patenge, who joined the company in 1947, and has led his firm to the forefront of manufacturing as the largest independent producer of flywheel ring gears in the United States, serving the automotive, truck, agrimotive, aircraft, aerospace and stationary engine industries, using management techniques that empower employees as partners in progress;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, sitting in regular session this ninth day of December, 1996, hereby congratulates and thanks Ken Patenge and the entire Wohlert Corporation family of officers and employees, for 100 years of outstanding industrial production and growth, for providing livelihoods for thousands of Lansing families over these years, and for maintaining the corporate home in the Capital City; and

BE IT FURTHER RESOLVED each member of Council wishes the Wohlert Corporation continued success in the international marketplace.

By Councilmember Bauer

Carried unanimously

RESOLUTION #566
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Council Rule #19 specifies procedures and time limits for the public when addressing Council at Council meetings; and

WHEREAS, under the current Rule #19, shortly after each meeting begins, members of the audience have an opportunity to comment on all agenda items, whether or not such items require Council action; and

WHEREAS, citizens have submitted letters for placement on the agenda for the sole purpose of addressing Council early in the meeting; and

WHEREAS, the early opportunity for the public to comment on agenda items should be limited to items scheduled for action, such as committee reports, consent matters, resolutions, and ordinances; and

WHEREAS, Rule #19 allows public comment on other matters after the main business of the meeting is conducted;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby introduces the attached amendment to Rule #19 of the City Council Rules for consideration at a subsequent regular meeting.

By Councilmember Lilly

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ADOPTED BY THE FOLLOWING VOTE:

YEAS: 6

NAYS: 0

ATTACHMENT

RULE 19. RULES OF DECORUM FOR MEETINGS; ADDRESS BY PERSONS. THE PRESIDING OFFICER SHALL CONDUCT COUNCIL MEETINGS IN AN ORDERLY MANNER. MEMBERS OF COUNCIL AND OTHERS IN ATTENDANCE SHALL OBEY DIRECTIONS OF THE PRESIDING OFFICER. CITIZENS ATTENDING COUNCIL MEETINGS MAY HAVE UP TO THREE OPPORTUNITIES TO ADDRESS COUNCIL. SPEAKERS ARE REQUESTED TO PRINT THEIR NAMES AND ADDRESSES ON REGISTRATION SHEETS TO ASSIST IN THE ACCURACY OF THE COUNCIL PROCEEDINGS. EXTENSIONS OF SPEAKER TIME LIMITS ARE PERMISSIBLE AT THE DISCRETION OF THE COUNCIL.
OPPORTUNITIES TO ADDRESS COUNCIL ARE:

(1) PUBLIC HEARINGS. SCHEDULED PUBLIC HEARINGS ARE HELD ON SPECIFIC LEGISLATIVE MATTERS UNDER CONSIDERATION BY COUNCIL. A 5 MINUTE TIME LIMIT IS IMPOSED PER SPEAKER.

(2) COMMENT ON AGENDA ITEMS. CITIZENS MAY PRESENT FACTS AND OPINIONS ON MATTERS LISTED ON THE COUNCIL AGENDA FOR ACTION AND ON LATE ACTION ITEMS APPROVED FOR CONSIDERATION. EACH SPEAKER IS LIMITED TO FIVE MINUTES TOTAL. CITIZEN COMMENT DURING TOWN HALL ROUND TABLE DISCUSSIONS AT FIFTH MONDAY MEETINGS SHALL BE AT THE DIRECTION OF THE PRESIDING OFFICER.

(3) COMMENT ON CITY MATTERS. CITIZENS MAY SPEAK ON ANY CITY GOVERNMENT-RELATED MATTER. EACH SPEAKER IS LIMITED TO THREE MINUTES TOTAL. THE PRESIDING OFFICER MAY RULE ANY SPEAKER OUT OF ORDER FOR FAILING TO SPEAK ON CITY GOVERNMENT-RELATED MATTERS.

DISRUPTIVE CONDUCT SHALL NOT BE PERMITTED. MEMBERS OF THE AUDIENCE MAY APPLAUD THE REMARKS OF ANY SPEAKER.

RESOLUTION #567
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THIS COUNCIL APPROPRIATED $30,000 IN THE FY97 GENERAL FUND BUDGET TO PAY CERTAIN COSTS OF USE OF THE LANSING CENTER BY COMMUNITY ORGANIZATIONS; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS REVIEWED A REQUEST FOR PAYMENT OF SUCH COSTS FROM THE GREATER LANSING AREA HOLIDAY COMMISSION FOR THE ANNUAL MARTIN LUTHER KING LUNCHEON AT THE LANSING CENTER ON JANUARY 20, 1997; AND

WHEREAS, THE COMMITTEE HAS RECOMMENDED THAT FUNDS BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES A CHARGE IN THE AMOUNT OF $1,725.00 TO ACCOUNT #101173901-741200-0, AND A CHARGE IN THE AMOUNT OF $1,725.00 TO ACCOUNT #101-173901-741289-0 (GEN. ADM.- COMMUNITY PROMOTION) FOR LANSING CENTER RENTAL COSTS OF THE MARTIN LUTHER KING LUNCHEON.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #568
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THIS COUNCIL APPROPRIATED $20,000 IN THE FY97 GENERAL FUND BUDGET TO COVER THE COSTS OF CERTAIN COMMUNITY EVENTS THAT INCLUDE CITY CO-SPONSORSHIP.; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES HAS REVIEWED A REQUEST FOR PAYMENT OF SUCH COSTS FROM THE MAYOR'S OFFICE FOR THE ANNUAL VETERANS DAY PARADE AND RELATED CEREMONIES ON NOVEMBER 11, 1996; AND

WHEREAS, THE COMMITTEE HAS RECOMMENDED THAT FUNDS BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES A CHARGE IN THE AMOUNT OF $322.56 TO ACCOUNT #101173901-741289-0 (GEN. ADM.- COMMUNITY PROMOTION) FOR THE 1996 VETERANS DAY PARADE AND RELATED CEREMONIES.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #569
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CLERK HAS FORWARDED AN APPLICATION FOR CITY LICENSE, WHICH HAS BEEN ROUTINELY PROCESSED WITHOUT OBJECTION AND IS READY FOR FINAL ACTION BY THIS COUNCIL; AND

WHEREAS, THE COMMITTEE ON GENERAL SERVICES RECOMMENDS THAT THE LICENSE BE APPROVED;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE FOLLOWING APPLICATION FOR CITY LICENSE:

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CLASS B WRECKER SERVICE LICENSE

Michael Louis Rau, dba Rauls Mobile Automotive, 819 North Francis Avenue

By Councilmember Benavides

Carried unanimously

RESOLUTION #570
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed James W. Miner, 733 West Ionia, to fill a vacancy in the Fourth Ward seat on the Traffic Board, for a term to expire June 30, 2000; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found him to he qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of James W. Miner to the Fourth Ward seat on the Traffic Board, for a term to expire June 30, 2000.

By Councilmember Allen

Carried unanimously

THIS RESOLUTION WAS PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER ALLEN

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Donald B. Heck, 833 Sparrow Avenue, to fill a vacancy on the Building Board of Appeals, representing Professional Engineers, for a term to expire June 30, 1999; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found him qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the Mayor's appointment of Donald B. Heck to the Building Board of Appeals, representing Professional Engineers, for a term to expire June 30, 1999.

RESOLUTION #571
BY THE COMMITTEE ON WAYS AND MEANS

WHEREAS, the Lansing City Council did in March, 1996 pass a resolution for Act-6-96 regarding the purchase of BWL well sites which included a policy which would place the residual funds from the sale of excess land at those well sites into a special fund which would be used for projects of mutual benefit to the City and The Board of Water and Light. The projects would be identified and agreed upon mutually by the Mayor and the Board General Manager, and

WHEREAS, the proceeds from the sale of property at 6551 S, Pennsylvania Avenue should also be placed in this fund under the policy established above; and

WHEREAS, two projects have been identified and agreed to by the BWL and Mayor regarding GIS equipment and support of the Downtown Comprehensive Plan; and

WHEREAS, the Department of Planning and Neighborhood Development has developed a working relationship with Lansing Community College GIS division for students to assist in data entry for the digitizing of maps utilizing computer workstations which are compatible with the LCC system, and;

WHEREAS, the Committee on Ways and Means has reviewed these materials and concurs therewith,

NOW THEREFORE BE IT RESOLVED that the Lansing City Council reaffirm its policy by setting up a series of accounts to provide that upon prior approval of the Board of Water and Light, the BWL revenues from the sale of excess land be received and expended in accordance with the policy stated above.

By Councilmember Benavides

To place an affirmative roll on the resolution

By Councilmember Novak

To amend the Resolution in the NOW THEREFORE BE IT RESOLVED, clause to insert the following between the words "land" and "be"; "THAT HAD BEEN DONATED, OR SOLD FOR A NOMINAL CONSIDERATION TO THE BOARD OF WATER AND LIGHT BY THE CITY OF LANSING" so that the paragraph reads as follows:

"NOW THEREFORE BE IT RESOLVED that the Lansing City Council reaffirm its policy by setting up a series of accounts to provide that upon prior approval of the Board of Water and Light, the BWL revenues from the sale of excess land THAT HAD BEEN DONATED, OR SOLD FOR A NOMINAL CONSIDERATION TO THE BOARD OF WATER & LIGHT BY THE CITY OF LANSING be received and expended in accordance with the policy stated above."

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: 1 (Councilmember Novak affirming)
NAYS: 5

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Councilmember Benavides' motion for affirmative roll was adopted by the following vote:

YEAS: 5

NAYS: 1 (Councilmember Novak dissenting)

RESOLUTION 572
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING
That the following transfers shall be approved:

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$7,480.20	Estimated Revenues-General Fund 101-0-170001-0	Police Department Budget Control 101-343201-992200-0
$7,480.20	Police Department Budget Control 101-343201-992200-0	Police Department Sworn Overtime 101-343201-708100-0

(Stepped-Up Traffic Enforcement Program funds for overtime costs for sworn police officers working traffic enforcement over holiday weekends at specific locations. Revenue detail A/C 101-0-675000-0: Miscellaneous)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$50,000.00	Est. Rev.-State & Fed. Prog. 273-0-170001-0	Training P.A. 302 60% 273-343212-747000-143 10

(Revenues received from the State of Michigan for training for sworn law enforcement personnel, per Public Act 302. Revenue Detail A/C 273-0-573010-143 10)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$2,747.84	Estimated Revenues-General Fund 101-0-170001-0	to Police Department Budget Control 101-343201-992200-0
$2,747.84	Police Department Budget Control 101-343201-992200-0	Police Department Sworn Overtime 101-343201-708100-0

(Grant received from Michigan State Police Office of Highway Safety Planning for directed sworn officer overtime at specific sites on holiday weekends from the Community Based Alcohol Enforcement Program funds. Revenue detail A/C 101-0-675000-0: Miscellaneous)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$29,015	NYPPP Evaluation 273-833710-960134-17805	
$ 25,790		NYPPP Salaries 273-672500-702000-17805
$ 3,225		NYPPP Fringe Benefits 273-672500-715000-17805

(Use of unspent residual funds for program continuation for NYPPP.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$5,000.00	Fire Training Salaries 101-343540-702000-0	Fire Training Equipment 101-343540-977000-0

(Use of residual funds to purchase tabletop model for training exercises in Fire Suppression and Emergency Response.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,293.00	Internal Audit Misc. & Operating Exp. 101-112120-741000-0	Internal Audit Salaries 101-112120-702000-0

(Merit increment for ~~internal~~ "PRINCIPAL" Auditor.)

~~$202,500 from Est. Rev.-State & Federal Programs 273-0-170001-0~~
~~$202,500 to Michigan Ave. Street Scape 273-933601-974103-18823~~

~~(MDOT Grant for Street Scape improvements. City matching funds of $67,500, below. NIDOT contract 96-5401. Revenue detail account 273-0-501001-18823.)~~

~~$67,500 from Fund Balance-Act 51 Major Streets 202-0-390001-0~~
~~$67,500 to Act 51 (Major) City Share 202-453601-974100-18825~~

~~Residual project funds of $57,011 lapsed from project close-outs in State & Federal Programs Fund to Act 51 Fund Balance. Source does not reduce amount of original Council appropriations for street maintenance. Balance available in fund balance due to slightly better than anticipated year end FY 96 results.)~~

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$1,138,500	Est. Rev.- State & Federal Prog. 273-0-170001-0	I-496 Safety Improvements-Fed. 273-933601-974100-18824

(MDOT contract 96-5441 for I-496 safety improvements. City share of $15,800 in Act 51-Major Streets Fund A/C 202-933601-974100-18824.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$658,893	Est. Rev. - State & Fed. Prog. 273-0-170001-0	Jolly/Collins Intersection 273-933601-974103-18825

(MDOT contract 96-5447 for improvements to the Jolly-Collins Intersection. Ingham County Road Commission share is $123,107. City share of $23,000 in Act 51-Major Streets Fund A/C 202-453601-974100-18825.)

By Councilmember Benavides

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To place an affirmative roll on the resolution

By Councilmember Beal

To pull the Transfers for Michigan Ave. Street Scape Improvements

Carried unanimously

By Councilmember Novak

To amend the Transfer to Internal Audit Salaries by deleting the Work Internal from the explanation and replacing it with the word "PRINCIPAL"

Carried unanimously

COUNCILMEMBER BENAVIDES' MOTION WAS AMENDED TO APPROVE THE RESOLUTION AS AMENDED AND

Carried unanimously

RESOLUTION #573
BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Committee of the Whole has recommended an amendment to the Council Staff Personnel Rules; and

WHEREAS, the amendment that permit the Council to approve, on a case-by-case basis, a waiver of the rule that imposes a maximum of 60 days for employee donations of sick leave to a fellow member of the Council Staff who has exhausted accumulated leave due to a hardship situation; and

WHEREAS, the amendment would also permit donation of Staffmembers, accrued, excess compensatory time to a Council Staff "bank" for use by individual Staffmembers in a hardship situation;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves amending the Council Staff Personnel Rules by adding the following new matter to the end of the last paragraph of Article 4, Section B, Absences:

"Upon the finding of hardship by the City Council in any particular case, the City Council may approve, by resolution, the donation of leave time in excess of the sixty (60) day maximum.,,

AND BE IT FURTHER RESOLVED the Council approves the following new matter as the final paragraph of Article 4, Section B, Absences:

"Council Staffmembers may also donate excess accrued compensatory time, that would normally be lost at the end of each calendar year, to a Council Staff Comp Time Bank, official records of which shall be maintained by the Personnel Services Department. Upon the finding of hardship by the City Council in any particular case, the City Council may approve, by resolution, an allocation from the Time Bank for a Council Staffmember."

By Councilmember Lilly

Carried unanimously

RESOLUTION #574
BY COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Council Staff Personnel Rules impose a 60-day maximum on the donation of sick leave to a Council Staffmember who has exhausted accumulated leave time due to a hardship; and

WHEREAS, Channel 28 Manager Karen Schmidt is recuperating from major surgery, with additional surgery expected in the near future, and she has exhausted her accumulated sick leave, vacation days, compensatory time, and personal leave days; and

WHEREAS, other members of the Council Staff have expressed willingness to donate as much time from their own accrued leave as may be necessary to assist Ms. Schmidt;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby finds that a hardship situation exists for Council Staffmember Karen Schmidt as she recovers from major surgery; and

BE IT FURTHER RESOLVED the City Council approves a waiver to the provision of the Council Staff Personnel Rules that limits donation of sick leave to Karen Schmidt to 60 days; and

BE IT FURTHER RESOLVED the Clerk is requested to forward copies of this resolution to the Finance and Personnel Services Departments.

By Councilmember Lilly

Carried unanimously

RESOLUTION #575
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Board of Water and Light (BWL) on June 20, 1995 passed Resolution 95-6-5 declaring a certain parcel of property, acquired

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as part of the Erickson Station property, to be surplus real property not required for BWL operations; and

WHEREAS, the Lansing City Council on September 5, 1995 passed Resolution No. 557 concurring with the BWL determination that said property is surplus and providing that it be marketed for sale; and

WHEREAS, the BWL has negotiated a sale of said property to Cornerstone Realty Ventures, L.L.C., a Michigan limited liability corporation, on land contract terms as contained in a certain September 23, 1996 Purchase Agreement for a sum of $160,000.00 with 20% down; and

WHEREAS, in accordance with the Lansing City Charter and the Lansing Code of Ordinances, information regarding the proposed purchase and sale has been on file with the City Clerk for the required 30 days and a public hearing was thereon held November 4, 1996 at the regularly scheduled Council meeting;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby approves the sale of the property commonly known as part of the Erickson Station parcel and legally described as:

A part of the SW 1/4 of Section 34, T4N, R3W, Delta Township, Eaton County, Michigan, particularly described as follows: Beginning at the South 1/4 corner of Section 34; thence along the south section line S 89° 44' 16" W 1364.77 feet to a point on the sideline of the GTWRR; thence along a line 50 feet from and parallel to the centerline of tract of the southeasterly tract of the GTWRR N 55° 36' 28" E 1650.08 to a point at the intersection of the RR sideline with N-S 1/4 line; thence along the 1/4 line S 00° 11' 34" E 925.81 to the point of beginning, also described as that part of the SW 1/4 of Section 34, T4N, R3W, Delta Township lying Southeasterly of the GTWRR, containing 14.5 acres of land, more or less, and subject to the rights of the public in Davis Highway, and all other easements and restrictions of record,

to Cornerstone Realty Ventures, L.L.C. (Cornerstone) in accordance with the terms of sale contained in the Purchase Agreement on file with the City Clerk; to wit: on land contract for the sum of $160,000.00, with 20'f) down, the balance annually based on a fifteen (15) year amortization, at an interest rate of nine percent (9%) per annum and a five (5) year balloon; provided that Cornerstone executes said Purchase Agreement within seven (7) days of the passage of this resolution; and, further provided, that Cornerstone shall agree to not use the property during the term of the land contract to transport, store, process, manufacture or collect environmental toxins or hazardous materials or highly flammable materials.

BE IT FURTHER RESOLVED, that upon closing of the sale of said property, all the net proceeds from the sale may be retained by the Board of Water and Light for its operation.

BE IT FINALLY RESOLVED the Mayor, on behalf of the City, is authorized to execute all documents necessary to complete this transaction, subject to the prior approval as to form by the City Attorney.

By Councilmember Lilly

Carried unanimously

RESOLUTION #576
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, January 13, 1997, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-7-96, 3700 S. Waverly, Waverly-Holmes Shopping Center Suite 5, Use for Church Office & Meetings.

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Jones, Leeman

RESOLUTION #577
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, January 13, 1997 at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use permit, SLU-8-96, which proposes the construction of a new pumping station and sanitation equalization basin at the north end of Lansing and Roosevelt Avenues to replace the existing one.

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ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Allen, Bauer, Beal, Benavides, Lilly, Novak

NAYS: None

ABSENT: Councilmembers Jones, Leeman

ORDINANCES FOR PASSAGE

ORDINANCE #960
CITY OF LANSING
EMPLOYEES' RETIREMENT SYSTEM ORDINANCE
AMENDMENTS TO CHAPTER 292
FOR IRS SUBMISSION

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 292 THE CODE OF ORDINANCES OF THE CITY OF LANSING, EMPLOYEES' RETIREMENT SYSTEM ORDINANCE FOR IRS SUBMISSION, BY AMENDING SECTION 292.01, 292.14, 292.31, 292.35, 292.40, 292.49; FOR THE PURPOSE OF CLARIFYING THE DEFINITION OF CREDITED SERVICE, COMPENSATION, COVERED POSITIONS, AND COVERED POSITION EFFECTIVE DATE; INCLUDING THE CITY'S TEAMSTER 214 SUPERVISORY AND NON-SUPERVISORY EMPLOYEES AS MEMBERS IN THE RETIREMENT SYSTEM; CLARIFYING THE AFFECT OF THE RETURN OF ACCUMULATED CONTRIBUTIONS FOR A MEMBER OF THE RETIREMENT SYSTEM WHO TERMINATES EMPLOYMENT AND ELECTS A REFUND OF CONTRIBUTIONS; PROVIDING FOR EMPLOYER PICK-UP OF MEMBER CONTRIBUTIONS FOR FOP POLICE 911 OPERATORS, TEAMSTER 214 MEMBERS, TEAMSTER 580 MEMBERS, EXEMPT EMPLOYEES, EXECUTIVE PLAN EMPLOYEES, AND DISTRICT COURT EXEMPT EMPLOYEES PURSUANT TO SECTION 414(H) OF THE UNITED STATES INTERNAL REVENUE CODE; PROVIDING FOR THE EXCLUSIVE PURPOSE OF THE RETIREMENT SYSTEM FUNDS PURSUANT TO SECTION 401(A)(2) OF THE UNITED STATES INTERNAL REVENUE CODE; PROVIDING FOR BENEFIT LIMITATIONS PURSUANT TO SECTION 415 OF THE UNITED STATES INTERNAL REVENUE CODE AND REQUIRED DISTRIBUTIONS PURSUANT TO SECTION 401 (A)(9) OF THE UNITED STATES INTERNAL REVENUE CODE; AND, PROVIDING FOR COMPENSATION LIMITATIONS PURSUANT TO SECTION 401(a)(17) OF THE UNITED STATES INTERNAL REVENUE CODE.

The City of Lansing ordains:

Section 1. That Chapter 292 of the Code of Ordinances of the City of Lansing, Michigan, be amended to read as follows:

292.01 DEFINITIONS.

As used in this chapter, unless a different meaning is plainly required by the context:

(A) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to the member's individual account in the employees' savings fund, together with regular interest thereon.

(B) "Annuity" means an annual amount, derived from a member's accumulated contributions, payable in equal monthly installments throughout the future life of a person or for a temporary period as provided in this chapter.

(C) "Annuity reserve" means the present value of all payments to be made on account of any annuity, or benefit in lieu thereof. The annuity reserve shall be computed upon the basis of such mortality table and regular interest as the Board from time to time adopts.

(D) "Beneficiary" means any person, except a retirant, who is in receipt of, or who has entitlement to, a pension, retirement allowance or other benefit, payable by the retirement system.

(E) "Board of Trustees" or "Board" means the Board of Trustees of the general employees' retirement system, as provided for in this chapter.
(F) "Credited service" means the number of years, and fraction of a year, of service standing to a member's credit in the member's service account. ANY FUTURE REFERENCE IN THIS CHAPTER TO "CREDITED SERVICE" SHALL HAVE THE SAME MEANING AS "CREDITED SERVICE".

(G) "Compensation" means a member's salary, wages and longevity bonus paid by the City for personal services rendered by the member to the City, the District Court or the Housing Commission, whichever is applicable, as an employee. If a member's compensation is not all paid in money, Council shall fix the value of that part of the member's compensation not paid in money. COMPENSATION IN EXCESS OF $200,000 IN PLAN YEARS BEGINNING BEFORE JANUARY 1, 1994 AND IN EXCESS OF $150,000 IN PLAN YEARS BEGINNING ON OR AFTER THAT DATE SHALL BE DISREGARDED. SUCH AMOUNT SHALL BE ADJUSTED AT THE SAME TIME AND IN SUCH MANNER AS PERMITTED UNDER INTERNAL REVENUE CODE SECTION 415(D).

(H) "Employee" means:
(1) Any regular or permanent officer or employee of the City, and for the sole and exclusive purposes of this retirement system, any employee of the Housing Commission who has not executed a request to transfer to the Michigan Municipal Employees Retirement System and a release of the City and the retirement system from future pension claims, or any former employee of

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THE HOUSING COMMISSION WHOSE RIGHT TO A RETIREMENT ALLOWANCE HAS BEEN DEFERRED BY THE BOARD OF TRUSTEES. BEGINNING JANUARY 1, 1971, ANY PERSON WHO IS EMPLOYED ON A REGULAR OR PERMANENT BASIS BY THE DISTRICT COURT, EXCEPT THE JUDGES OF SUCH COURT, SHALL BE CONSIDERED AN EMPLOYEE OF THE CITY FOR THE SOLE AND EXCLUSIVE PURPOSES OF THIS RETIREMENT SYSTEM. THE TERM "EMPLOYEE" DOES NOT INCLUDE ANY PERSON WHO IS COMPENSATED BY THE CITY OR BY THE DISTRICT COURT WHOLLY ON A FEE OR CONTRACTUAL BASIS, NOR THE MEDICAL DIRECTOR APPOINTED UNDER SECTION 292.11, NOR ELECTIVE OFFICIALS OF THE CITY, EXCEPT AS PROVIDED IN PARAGRAPH (B)(2) HEREOF, NOR JUDGES OF THE DISTRICT COURT. THE PHRASE "CONTRACTUAL BASIS," AS SET FORTH HEREIN, SHALL NOT BE APPLICABLE TO THOSE REGULAR FULL-TIME EMPLOYEES OF THE CITY WHO ARE REQUIRED TO SIGN EMPLOYMENT CONTRACTS UNDER THE JANUARY 15, 1985, PERSONNEL RULES FOR EXECUTIVE MANAGEMENT PLAN PERSONNEL OR COUNCIL STAFF PERSONNEL AS A CONDITION OF EMPLOYMENT.

(2) ANY ELECTIVE OFFICIAL OF THE CITY, UPON FILING A WRITTEN APPLICATION WITH THE BOARD OF TRUSTEES OF THE RETIREMENT SYSTEM.

IN ANY CASES OF DOUBT, THE BOARD SHALL DECIDE WHO IS AN EMPLOYEE WITHIN THE MEANING OF THIS CHAPTER.

(I) "FINAL AVERAGE COMPENSATION" MEANS THE AVERAGE OF THE HIGHEST ANNUAL COMPENSATION PAID A MEMBER DURING A PERIOD OF TWO CONSECUTIVE YEARS OF CREDITED SERVICE CONTAINED WITHIN THE MEMBER'S TEN YEARS OF CREDITED SERVICE IMMEDIATELY PRECEDING THE DATE WHEN THE MEMBER'S EMPLOYMENT WITH THE CITY, DISTRICT COURT OR HOUSING COMMISSION LAST TERMINATED. IF THE MEMBER HAS LESS THAN TWO YEARS OF CREDITED SERVICE, THE MEMBER'S FINAL AVERAGE COMPENSATION SHALL BE THE AVERAGE OF THE MEMBER'S ANNUAL COMPENSATION FOR THE MEMBER'S TOTAL YEARS OF CREDITED SERVICE.

(J) "FINAL COMPENSATION" MEANS A MEMBER'S ANNUAL RATE OF COMPENSATION AT THE TIME OF TERMINATION OF THE MEMBER'S LAST EMPLOYMENT BY THE CITY, DISTRICT COURT OR HOUSING COMMISSION.

(K) "MEMBER" MEANS ANY PERSON WHO IS INCLUDED IN THE MEMBERSHIP OF THE RETIREMENT SYSTEM.

(L) "PENSION" MEANS AN ANNUAL AMOUNT, DERIVED FROM MONEY PROVIDED BY THE CITY, PAYABLE IN EQUAL MONTHLY INSTALLMENTS THROUGHOUT THE FUTURE LIFE OF A PERSON OR FOR A TEMPORARY PERIOD AS PROVIDED IN THIS CHAPTER.

(M) "PENSION RESERVE" MEANS THE PRESENT VALUE OF ALL PAYMENTS TO BE MADE ON ACCOUNT OF ANY PENSION, OR BENEFIT IN LIEU THEREOF. THE PENSION RESERVE SHALL BE COMPUTED UPON THE BASIS OF SUCH MORTALITY AND OTHER TABLES OF EXPERIENCE, AND REGULAR INTEREST, AS THE BOARD FROM TIME TO TIME ADOPTS.

(N) "REGULAR INTEREST" MEANS SUCH RATE OR RATES OF INTEREST PER ANNUM, COMPOUNDED ANNUALLY, AS THE BOARD FROM TIME TO TIME DETERMINES, SUBJECT TO THE APPROVAL OF COUNCIL.

(O) "RETIRANT" MEANS A MEMBER WHO RETIRES FROM EMPLOYMENT WITH A RETIREMENT ALLOWANCE PAYABLE BY THE RETIREMENT SYSTEM.

(P) "RETIREMENT ALLOWANCE" MEANS THE SUM OF THE ANNUITY AND THE PENSION.

(Q) "RETIREMENT SYSTEM" OR "SYSTEM" MEANS THE RETIREMENT SYSTEM ESTABLISHED UNDER THIS CHAPTER.

(R) "SERVICE" MEANS PERSONAL SERVICE RENDERED TO THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION, WHICHEVER IS APPLICABLE, BY AN EMPLOYEE.

(S) "WORKERS' COMPENSATION PERIOD" MEANS THE PERIOD A MEMBER, RETIRANT OR BENEFICIARY IS IN RECEIPT OF WORKERS' COMPENSATION ON ACCOUNT OF A DISABILITY OR DEATH ARISING OUT OF AND IN THE COURSE OF A MEMBER'S EMPLOYMENT. IF THE MEMBER, RETIRANT OR BENEFICIARY IS PAID A SINGLE SUM IN LIEU OF FUTURE WORKERS' COMPENSATION, THEN SUCH INDIVIDUAL'S WORKERS' COMPENSATION PERIOD SHALL BE THE PERIOD, IF ANY, THE INDIVIDUAL WAS IN RECEIPT OF WEEKLY WORKERS' COMPENSATION PLUS THE PERIOD ARRIVED AT BY DIVIDING SUCH SINGLE SUM BY THE WEEKLY WORKERS' COMPENSATION AWARD.

(T) "COVERED POSITIONS" MEANS:

(1) POSITIONS OF THE CITY'S ELECTED OFFICIALS, EXEMPT AND APPOINTED EMPLOYEES, AND EXECUTIVE MANAGEMENT PLAN EMPLOYEES;

(2) POSITIONS OF THE CITY'S TEAMSTER SUPERVISORY AND NON-SUPERVISORY EMPLOYEES;

(3) POSITIONS IN THE DISTRICT COURT, EXCLUDING THE JUDGES THEREOF; AND

(4) POSITIONS OF THE CITY'S FRATERNAL ORDER OF POLICE 911 OPERATORS' DIVISION EMPLOYEES.

(5) POSITIONS OF THE CITY'S TEAMSTER 214 SUPERVISORY AND NON-SUPERVISORY EMPLOYEES.

(U) "COVERED POSITION EFFECTIVE DATE" MEANS OCTOBER 1, 1990, FOR THE POSITIONS OF THE CITY'S ELECTED OFFICIALS, EXEMPT, CITY'S TEAMSTER 214 SUPERVISORY AND NON-SUPERVISORY EMPLOYEES AND APPOINTED EMPLOYEES AND EXECUTIVE MANAGEMENT PLAN EMPLOYEES; OCTOBER 29, 1990, FOR THE POSITIONS OF THE CITY'S TEAMSTER SUPERVISORY AND NON-SUPERVISORY EMPLOYEES AND FOR THE POSITIONS OF THE DISTRICT COURT EMPLOYEES; AND JULY 1, 1992, FOR THE POSITIONS OF THE CITY'S FRATERNAL ORDER OF POLICE 911 OPERATORS' DIVISION EMPLOYEES.

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292.02 ESTABLISHMENT AND EFFECTIVE DATE OF SYSTEM.

A retirement system for employees of the City is hereby established for the purpose of providing retirement allowances and death benefits for employees of the City, under the provisions of Ordinance 132, passed May 19, 1941, as amended, which ordinance and amendments are embraced within this chapter. The effective date of the retirement system was July 1, 1941.

292.03 BOARD OF TRUSTEES; ESTABLISHMENT AND FUNCTIONS.

There is hereby established a Board of Trustees, in whom is vested the general administration, management and responsibility for the proper operation of the retirement system, and for interpreting and making effective this chapter.

292.04 MEMBERSHIP; TERMS OF OFFICE.

(A) The Board of Trustees shall consist of eight trustees, as follows:

(1) The Mayor;

(2) A member of Council to be selected by, and to serve at the pleasure of, Council;

(3) The City Treasurer;

(4) The Chief Personnel and Training Officer;

(5) Three members of the retirement system to be elected by the members of the system under such rules and regulations as may from time to time be adopted by the Board, except that not more than one such elected member shall be from any one City department; and

(6) A resident of the City appointed by the Mayor, which resident is not an employee of the City and is not eligible to receive benefits payable by the retirement system.

(B) The regular term of office for such elected member Trustees and appointed Trustee shall be four years.

292.05 ATTENDANCE AT MEETINGS; RESIGNATION; FILLING VACANCIES.

If an elected member Trustee or the appointed Trustee fails to attend three consecutive meetings of the Board of Trustees, unless in each case excused for cause by the remaining Trustees attending such meetings, or if a member Trustee leaves the employ of the City, then such member shall be considered to have resigned from the Board and the Board shall, by resolution, declare the office of Trustee vacated as of the date of adoption of such resolution. If a vacancy occurs in the office of Trustee, the vacancy shall be filled within sixty days from and after the date of the vacancy, for the unexpired portion of the term, in the same manner as such office was previously filled.

292.06 OATH OF OFFICE.

Each Trustee shall, within ten days after appointment or election, take an oath of office to be administered by the City Clerk.

292.07 ORGANIZATION; RULES OF PROCEDURE; MEETINGS.

The Board of Trustees shall elect from its own number a Chairperson and Vice-Chairperson. It shall adopt its own rules of procedure and shall keep a record of its proceedings. The Board shall hold meetings regularly, at least once in each month, and shall designate the time and place thereof. All meetings of the Board shall be public.

292.08 VOTING; QUORUM; DECISIONS.

(A) Each Trustee shall be entitled to one vote on each question in the meetings of the Board of Trustees.

(B) Five Trustees shall constitute a quorum at any meeting of the Board.

(C) Majority of concurring votes shall be necessary for a decision by the Trustees at any meeting of the Board.

292.09 COMPENSATION; SECRETARY; EMPLOYEES; LEGAL ADVISOR.

(A) The Trustees shall serve without additional compensation for their services as Trustees.

(B) The Director of Finance shall be ex-officio Secretary of the Board of Trustees.

(C) The Board may employ such professional and other services as shall be required. The compensation for such services shall be fixed by the Board.

(D) The City Attorney shall be legal advisor to the Board.

292.10 RECORDS AND REPORTS.

(A) The Board of Trustees shall keep, or cause to be kept, such data as are necessary for an actuarial valuation of the assets and liabilities of the retirement system and for checking and compiling the experience of the system.

(B) The Board shall annually render a report to the Mayor and Council on or before July 15, showing the fiscal transactions of the retirement system for the year that ended on the preceding December 31, the amounts of cash and securities held by the system and the last balance sheet of

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THE SYSTEM, BY MEANS OF AN ACTUARIAL VALUATION OF ITS ASSETS AND LIABILITIES. (1958 CODE SEC. 26-11)

292.11 MEDICAL DIRECTOR.

THE BOARD OF TRUSTEES SHALL APPOINT AS MEDICAL DIRECTOR A PHYSICIAN WHO IS NOT ELIGIBLE TO PARTICIPATE IN THE RETIREMENT SYSTEM AS A MEMBER, RETIRANT OR BENEFICIARY. HE OR SHE SHALL ARRANGE FOR AND PASS UPON ALL MEDICAL EXAMINATIONS REQUIRED UNDER THIS CHAPTER; INVESTIGATE ALL ESSENTIAL MEDICAL STATEMENTS AND CERTIFICATES MADE BY OR ON BEHALF OF A MEMBER IN CONNECTION WITH SUCH MEMBER'S APPLICATION FOR DISABILITY RETIREMENT, AND IN CONNECTION WITH A CLAIM FOR SERVICE-CONNECTED DEATH BENEFITS; AND REPORT IN WRITING TO THE BOARD HIS OR HER CONCLUSIONS AND RECOMMENDATIONS ON MEDICAL MATTERS REFERRED TO HIM OR HER BY THE BOARD. THE MEDICAL DIRECTOR SHALL BE DIRECTLY RESPONSIBLE TO AND SHALL HOLD OFFICE AT THE PLEASURE OF THE BOARD.

292.12 ACTUARY.

THE BOARD OF TRUSTEES SHALL APPOINT AN ACTUARY, WHO SHALL BE THE TECHNICAL ADVISOR TO THE BOARD ON MATTERS REGARDING THE OPERATION OF THE RETIREMENT SYSTEM, AND HE OR SHE SHALL PERFORM SUCH OTHER DUTIES AS ARE REQUIRED OF HIM OR HER UNDER THIS CHAPTER.

292.13 ACTUARIAL INVESTIGATION; ADOPTION OF TABLES OF EXPERIENCE AND RATES OF INTEREST.

AT LEAST ONCE IN EACH FIVE-YEAR PERIOD, THE BOARD OF TRUSTEES SHALL CAUSE AN ACTUARIAL INVESTIGATION TO BE MADE INTO THE MORTALITY, SERVICE AND OTHER EXPERIENCES OF MEMBERS, RETIRANTS AND BENEFICIARIES. ON THE BASIS OF SUCH ACTUARIAL INVESTIGATION, THE BOARD SHALL ADOPT FOR THE RETIREMENT SYSTEM SUCH MORTALITY, SERVICE AND OTHER TABLES OF EXPERIENCE AS ARE NECESSARY IN THE OPERATION OF THE SYSTEM ON AN ACTUARIAL BASIS AND SHALL ADOPT FOR THE SYSTEM A RATE OR RATES OF REGULAR INTEREST.

292.14 MEMBERSHIP IN SYSTEM.

(A) THE MEMBERSHIP OF THE RETIREMENT SYSTEM SHALL INCLUDE ALL EMPLOYEES, AS DEFINED IN SECTION 292.01(H), AND ALL PERSONS WHO BECOME EMPLOYEES, EXCEPT AS PROVIDED IN SUBSECTION (B) HEREOF.

(B) THE MEMBERSHIP OF THE RETIREMENT SYSTEM SHALL NOT INCLUDE:

(1) EMPLOYEES WHO ARE EMPLOYED BY THE BOARD OF WATER AND LIGHT;

(2) EMPLOYEES WHO ARE MEMBERS OF THE POLICEMEN'S AND FIREMEN'S RETIREMENT SYSTEM, AS SET FORTH IN CHAPTER 294;

(3) EMPLOYEES HIRED ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION (ORDINANCE 540, PASSED JUNE 25, 1979) WHO ARE RETIRANTS RECEIVING OR ENTITLED TO RECEIVE A RETIREMENT ALLOWANCE, A DEFERRED RETIREMENT ALLOWANCE OR A DISABILITY RETIREMENT ALLOWANCE FROM THE POLICEMEN'S AND FIREMEN'S RETIREMENT SYSTEM;

(4) EMPLOYEES OF THE HOUSING COMMISSION WHO HAVE EXECUTED A REQUEST TO TRANSFER TO THE MICHIGAN MUNICIPAL EMPLOYEES RETIREMENT SYSTEM AND A RELEASE OF THE CITY AND THE RETIREMENT SYSTEM FROM FUTURE PENSION CLAIMS, AND ANY EMPLOYEES OF THE HOUSING COMMISSION HIRED AFTER APRIL 16, 1988;

(5) EMPLOYEES WHO ARE EMPLOYED IN POSITIONS NORMALLY REQUIRING LESS THAN 2,000 HOURS OF WORK PER YEAR; AND

(6) EMPLOYEES EXCLUDED FROM MEMBERSHIP AS PROVIDED IN SUBSECTION (C) HEREOF.

(C) AN EMPLOYEE, HIRED INTO A COVERED POSITION ON OR AFTER THE COVERED POSITION'S EFFECTIVE DATE, WHO WAS NOT A MEMBER OF THE RETIREMENT SYSTEM ON THE DAY BEFORE HIS OR HER DATE OF HIRE, SHALL NOT BECOME A MEMBER OF THE RETIREMENT SYSTEM. AN ELECTED OFFICIAL, EXEMPT OR APPOINTED EMPLOYEE, CITY'S TEAMSTER 214 SUPERVISORY AND NON-SUPERVISORY EMPLOYEES OR EXECUTIVE MANAGEMENT PLAN EMPLOYEE, WHO IS EMPLOYED IN A COVERED POSITION ON THE COVERED POSITION'S EFFECTIVE DATE, WHO WAS A MEMBER OF THE RETIREMENT SYSTEM ON THE DAY BEFORE THE COVERED POSITION'S EFFECTIVE DATE, AND WHO ELECTS, ON OR BEFORE APRIL 1, 1991, TO TERMINATE MEMBERSHIP, SHALL CEASE TO BE A MEMBER OF THE RETIREMENT SYSTEM EFFECTIVE ON THE FIRST DAY OF THE FIRST CALENDAR MONTH WHICH IS AT LEAST 120 DAYS AFTER THE COVERED POSITION'S EFFECTIVE DATE. A TEAMSTER 580 SUPERVISORY OR NON-SUPERVISORY EMPLOYEE, OR AN EMPLOYEE OF THE DISTRICT COURT, WHO IS EMPLOYED IN A COVERED POSITION ON THE COVERED POSITION'S EFFECTIVE DATE, WHO WAS A MEMBER OF THE RETIREMENT SYSTEM ON THE DAY BEFORE THE COVERED POSITION'S EFFECTIVE DATE, AND WHO ELECTS ON OR BEFORE APRIL 29, 1991, TO TERMINATE MEMBERSHIP, SHALL CEASE TO BE A MEMBER OF THE RETIREMENT SYSTEM EFFECTIVE ON THE FIRST DAY OF THE FIRST CALENDAR MONTH WHICH IS AT LEAST 120 DAYS AFTER THE COVERED POSITION'S EFFECTIVE DATE. ANY FRATERNAL ORDER OF POLICE 911 OPERATORS' DIVISION EMPLOYEE EMPLOYED IN A COVERED POSITION ON THE COVERED POSITION'S EFFECTIVE DATE, WHO WAS A MEMBER OF THE RETIREMENT SYSTEM ON THE DAY BEFORE THE COVERED POSITION'S EFFECTIVE DATE, AND WHO ELECTED, ON OR BEFORE MAY 31, 1993, TO TERMINATE MEMBERSHIP, SHALL CEASE TO BE A MEMBER OF THE RETIREMENT SYSTEM EFFECTIVE ON THE FIRST DAY OF THE FIRST CALENDAR MONTH WHICH IS AT LEAST 120 DAYS AFTER THE COVERED POSITION'S EFFECTIVE DATE. AN EMPLOYEE WHO IS TRANSFERRED INTO A COVERED POSITION ON OR AFTER THE COVERED POSITION'S EFFECTIVE DATE, FROM A POSITION THAT WAS NOT A COVERED POSITION, WHO WAS A MEMBER OF THE

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RETIREMENT SYSTEM ON THE DAY BEFORE THE TRANSFER, AND WHO ELECTS, WITHIN NINETY DAYS OF THE TRANSFER, TO TERMINATE MEMBERSHIP, SHALL CEASE TO BE A MEMBER OF THE RETIREMENT SYSTEM EFFECTIVE ON THE FIRST DAY OF THE FIRST CALENDAR MONTH WHICH IS AT LEAST 120 DAYS AFTER THE TRANSFER. THE ELECTION TO TERMINATE MEMBERSHIP SHALL BE ONE TIME AND IRREVOCABLE. THE METHOD OF ELECTION SHALL BE DETERMINED BY THE BOARD OF TRUSTEES. AN EMPLOYEE WHO ELECTS TO TERMINATE MEMBERSHIP IN ACCORDANCE WITH THIS SUBSECTION SHALL WAIVE ALL RIGHTS TO A PENSION, ANNUITY, RETIREMENT ALLOWANCE OR RETURN OF ACCUMULATED CONTRIBUTIONS, EXCEPT AS PROVIDED IN SECTION 292.311, EFFECTIVE ON THE DATE OF TERMINATION OF MEMBERSHIP.

(D) IN ANY CASE OF DOUBT AS TO THE RETIREMENT SYSTEM MEMBERSHIP STATUS OF ANY EMPLOYEE, THE BOARD OF TRUSTEES SHALL DECIDE THE QUESTION.

292.145 RE-EMPLOYMENT OF A RETIRANT.

IN THE EVENT A RETIRANT, WHO RETIRED UNDER SECTION 292.20, RETURNS TO THE EMPLOY OF THE CITY, THE FOLLOWING CONDITIONS SHALL APPLY:

(A) HE OR SHE SHALL AGAIN BECOME A MEMBER OF THE RETIREMENT SYSTEM, NOTWITHSTANDING HIS OR HER STATUS OF RETIRANT.

(B) DURING THE PERIOD OF HIS OR HER RE-EMPLOYMENT BY THE CITY, PAYMENT OF HIS OR HER RETIREMENT ALLOWANCE SHALL BE SUSPENDED. UPON HIS OR HER SUBSEQUENT SEPARATION FROM CITY EMPLOYMENT, PAYMENT OF HIS OR HER RETIREMENT ALLOWANCE SHALL BE RESUMED WITHOUT CHANGE.

(C) UPON HIS OR HER SUBSEQUENT SEPARATION FROM CITY EMPLOYMENT, HE OR SHE SHALL BE ENTITLED TO ANOTHER RETIREMENT ALLOWANCE COMPUTED ACCORDING TO SECTION 292.21, REGARDLESS OF THE NUMBER OF YEARS OF CREDITED SERVICE ACQUIRED DURING SUCH RE-EMPLOYMENT. HIS OR HER RETIREMENT SHALL BE COMPUTED ON THE BASIS OF THE NUMBER OF YEARS AND MONTHS OF CREDITED SERVICE ACQUIRED BY HIM OR HER DURING THE PERIOD OF HIS OR HER RE-EMPLOYMENT AND HIS OR HER FINAL AVERAGE COMPENSATION DETERMINED FOR THE PERIOD OF SUCH RE-EMPLOYMENT. UPON HIS OR HER SUBSEQUENT RETIREMENT, HE OR SHE SHALL HAVE THE RIGHT TO ELECT AN OPTION, PROVIDED IN SECTION 292.27, WITH RESPECT TO SUCH SUBSEQUENT RETIREMENT ALLOWANCE.

(D) IN LIEU OF RECEIVING A RETIREMENT ALLOWANCE PROVIDED IN THIS SECTION, HE OR SHE SHALL HAVE THE RIGHT TO THE RETURN OF HIS OR HER ACCUMULATED CONTRIBUTIONS ACQUIRED DURING THE PERIOD OF SUCH RE-EMPLOYMENT BY THE CITY.

(E) DURING THE PERIOD OF HIS OR HER RE-EMPLOYMENT BY THE CITY, SECTIONS 292.23, 292.24, 292.25, 292.28, 292.29 AND 292.30 SHALL NOT APPLY WITH RESPECT TO HIM OR HER. (ORD. 515. PASSED 9-5-78.)

292.15 RESTORATION OF CREDITED SERVICE IN CERTAIN CASES.

SHOULD ANY MEMBER OF THE RETIREMENT SYSTEM NO LONGER BE EMPLOYED BY THE CITY, FOR ANY REASON OTHER THAN RETIREMENT OR DEATH, HE OR SHE SHALL THEREUPON CEASE TO BE A MEMBER AND HIS OR HER CREDITED SERVICE AT THAT TIME SHALL BE FORFEITED BY HIM OR HER, UNLESS OTHERWISE PROVIDED IN THIS CHAPTER. IF HE OR SHE IS RE-EMPLOYED BY THE CITY, HE OR SHE SHALL AGAIN BECOME A MEMBER. IF HIS OR HER RE-EMPLOYMENT OCCURS WITHIN A PERIOD OF FOUR YEARS FROM AND AFTER THE DATE OF HIS OR HER LAST SEPARATION FROM CITY EMPLOYMENT, OR IN OTHER CASES OF SPECIAL CIRCUMSTANCE UPON APPROVAL OF COUNCIL, AFTER REVIEW AND RECOMMENDATION BY THE BOARD OF TRUSTEES, HIS OR HER CREDITED SERVICE LAST FORFEITED BY HIM OR HER SHALL BE RESTORED TO HIS OR HER CREDIT, SUBJECT TO SECTION 292.35(E). IF A MEMBER BECOMES A RETIRANT, HE OR SHE SHALL THEREUPON CEASE TO BE A MEMBER AND SHALL NOT AGAIN BECOME A MEMBER, UNLESS OTHERWISE PROVIDED IN THIS CHAPTER. IF A MEMBER DIES, HE OR SHE SHALL THEREUPON CEASE TO BE A MEMBER.

292.155 PURCHASE OF SERVICE CREDIT.

(A) A MEMBER OF THE RETIREMENT SYSTEM MAY ELECT TO PURCHASE SERVICE CREDIT FOR PRIOR FULL-TIME SERVICE AS AN EMPLOYEE WITH THE CITY, UPON REQUEST, UPON VERIFICATION OF THE EMPLOYMENT BY DOCUMENTATION SATISFACTORY TO THE BOARD OF TRUSTEES AND UPON PAYMENT TO THE RETIREMENT SYSTEM OF AN AMOUNT EQUAL TO 14.9 PERCENT OF THE MEMBER'S CURRENT ANNUAL RATE OF COMPENSATION, INCLUDING LONGEVITY BONUS, MULTIPLIED BY EACH YEAR AND FRACTION OF A YEAR OF SERVICE TO BE PURCHASED.

(B) AS USED IN THIS SECTION, "SERVICE AS AN EMPLOYEE WITH THE CITY" CONSISTS OF PRIOR FULL-TIME EMPLOYMENT WITH THE CITY OR ITS BOARDS AND COMMISSIONS, OR WITH THE DISTRICT COURT, WHICH EMPLOYMENT HAS NOT ALREADY BEEN CREDITED TO THE MEMBER'S SERVICE ACCOUNT AND FOR WHICH THE MEMBER WOULD NOT OTHERWISE BE ENTITLED TO A SERVICE CREDIT, BUT FOR THIS SECTION; "SERVICE AS AN EMPLOYEE WITH THE CITY" INCLUDES PERIODS DURING WHICH THE MEMBER'S INCOME FROM THE CITY OR ITS BOARDS OR COMMISSIONS, OR FROM THE DISTRICT COURT, CONSISTED OF WORKERS' COMPENSATION PAYMENTS, PROVIDED THE MEMBER HAS NOT ALREADY RECEIVED CREDIT FOR SUCH SERVICE OR IS NOT OTHERWISE ENTITLED TO SERVICE CREDIT FOR SUCH PERIODS.

(C) IN ORDER TO PURCHASE SERVICE CREDIT PURSUANT TO THIS SECTION, A MEMBER MUST ELECT TO DO SO IN WRITING PRIOR TO JULY 16, 1988, AND, WITHIN THIRTY DAYS OF SUCH ELECTION, PAY IN ONE LUMP SUM THE AMOUNT REQUIRED BY SUBSECTION (A) HEREOF.

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292.16 FURNISHING INFORMATION TO BOARD.

Under such rules and regulations as the Board of Trustees from time to time adopts, each member shall furnish such information as the Board may require for the proper operation of the retirement system.

292.17 RULES GOVERNING SERVICE CREDIT.

(A) The Board of Trustees shall fix and determine, by appropriate rules and regulations consistent with this chapter, the amount of service to be credited a member in any calendar year, but in no case shall less than ten days of service rendered by the member in any calendar month be credited as a month of service, nor shall less than eight months of service rendered by the member in any calendar year be credited as a year of service, nor shall more than one year of service be credited any member for all service rendered by the member in any calendar year.

(B) Credited service shall be forfeited and no longer in force if the individual's accumulated contributions are withdrawn from the employees' savings fund and paid to the individual or a beneficiary, including an estate, except as provided in Section 292.28.

(C) A member may have forfeited credit service restored to the member's account upon satisfaction of each of the following conditions:

(1) Membership recommences within four years from and after the last date of termination of membership.

(2) The retirement system is paid the total amount of accumulated contributions previously withdrawn, plus regular interest from, or withdrawal to, the date of repayment. Repayment shall be made in accordance with Section 292.35(e).

292.18 MILITARY SERVICE CREDIT.

A member who, while employed by the City, the District Court or the Housing Commission, entered or enters the military service of the United States Government during time of war or any period of compulsory military service, shall have such military service credited in the same manner as if the member had served the City, the District Court or the Housing Commission without interruption, provided that:

(A) The member re-enters the employ of the same local employer within one year from the date of termination of the military service actually required of the member.

(B) The member returns to the employees' savings fund all amounts the member might have withdrawn therefrom at the time the member entered or while in such military service, together with regular interest thereon from the date of withdrawal to the date of repayment.

(C) In no case shall any member be credited with more than five years of City service for all such military service rendered by the member.

In any case of doubt as to the amount of such military service to be credited any member, the Board of Trustees shall have final power to determine such amount. During a member's military service in the Federal Government and until the member's re-employment with the same local employer, the member's contributions into the employees' savings fund shall be suspended and the member's balance therein shall be accumulated at regular interest.

292.19 CREDIT TO MEMBER'S SERVICE ACCOUNT.

Subject to this chapter and to such rules and regulations as the Board of Trustees may from time to time adopt, the Board shall credit each member's service account with the number of years and months of service to which he or she is entitled.

292.20 RETIREMENT AGE AND SERVICE REQUIREMENTS.

(A) Except as provided in subsection (B), (C) or (D) hereof, any member who either has attained or attains the age of fifty-eight years and has eight or more years of credited service, or has attained or attains the age of fifty-five years and has twenty-five or more years of credited service, may retire upon his or her written application to the Board of Trustees setting forth at what time, neither less than thirty days nor more than ninety days, subsequent to the execution and filing thereof, such member desires to be retired. Upon retirement, the member shall receive a retirement allowance as provided in Section 292.21.

(B) Effective June 30, 1987, a member who is associated with the Fraternal Order of Police Park Security Division and who either has attained or attains the age of fifty-eight years and has eight or more years of credited service, or has attained or attains the age of fifty years and has twenty-five or more years of credited service, may retire upon written application to the Board setting forth at what time, neither less than thirty days nor more than ninety days, subsequent to the execution and filing thereof, such member desires to be retired. Upon retirement, the member shall receive a retirement allowance, as provided in Section 292.21. Effective December 1, 1989, a member who has twenty-five years of credited service may retire regardless of his or her age.

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(C) Effective November 1, 1995, a member who is associated with United Auto Workers Local 2256 and who either has attained or attains the age of fifty-eight years and has eight or more years of credited service, or who has attained the age of fifty years and has twenty-five or more years of credited service, may retire upon his or her written application to the Board setting forth at what time, neither less than thirty days nor more than ninety days, subsequent to the execution and filing thereof, such member desires to be retired. Upon retirement, the member shall receive a retirement allowance as provided in Section 292.21.

(D) A member, employed in a covered position on or after the covered position's effective date, who does not elect to terminate membership as provided in Section 292.14(c), who has eight or more years of credited service, and whose years and full months of attained age, when added to the years and full months of credited service, equal or exceed sixty-five years, may retire upon his or her written application to the Board. Such application shall set forth at what time, neither less than thirty nor more than ninety days subsequent to the execution and filing thereof, the member desires to be retired. Upon the member's retirement, the member shall receive a retirement allowance as provided in Section 292.21. The foregoing notwithstanding, this provision shall not be operative for any Fraternal Order of Police 911 Operators' Division employees, except as follows:

(1) Any Fraternal Order of Police 911 Operators' Division employee satisfying said formula between December 1, 1992, and May 31, 1993, is eligible to retire during said window of opportunity, pursuant to an Act 312 arbitration award.

(2) Thereafter, any Fraternal Order of Police 911 Operators' Division employee, satisfying said formula on or after August 20, 1994, shall be eligible to retire in accordance with said formula.

(E) Further, without regard to whether they were employed in covered positions at the time of retirement, vested employees from the following employee groups are eligible for retirement in accordance with said "sixty-five point" formula, retroactive to their retirement dates:

(1) Teamster supervisory and non-supervisory, exempt and appointed employees and executive management plan employees retiring in accordance with said "sixty-five point" formula pursuant to the terms of the early retirement incentives approved by Council on April 18, 1988; and

(2) Any Fraternal Order of Police Parks Security Division employee retiring in accordance with the terms of the agreement concerning the impact of layoffs on the Parks Security Division, dated June 15, 1992.

(F) Notwithstanding any other subsection of this section, or any other section of this chapter, to the contrary, and in confirmation and ratification nunc pro tunc of a certain memorandum of understanding between the City and Teamsters Local 580, regarding voluntary reduction in force (ratified and accepted as a binding collective bargained agreement by Council Resolution No. 201 on April 13, 1992) and Resolution No. 382 adopted by Council on July 13, 1992, members described in Section 292.14 who were then in the following classifications: Local 580 Teamsters supervisory and clerical/technical/professional bargaining units (excluding the District Court bargaining unit), executive management plan employees, non-bargaining unit City employees and exempt District Court employees (except the District Court judges), but excluding elected City officials, and who met all of the following criteria:

(1) Retired on or after July 1, 1992, and by January 4, 1993; and

(2) Signed and delivered to the City not later than December 1, 1992, the requisite written notice of intent to exercise the right to receive certain early retirement incentives contained in said memorandum and Resolution No. 201; and

(3) Without retirement incentives, had eight or more years of service credit.

Are granted the additional five years of service credit and the increased benefit multiplier of 2.75 percent as described and contained in said memorandum. Notwithstanding such increased service credit and benefit multiplier, no annual benefit payment shall exceed the limitations as prescribed by Internal Revenue Code Section 415.

(G) The adoption of the provisions of subsection (F) hereof shall not be deemed nor construed as a waiver, release or relinquishment of any rights of the City or the Board of Trustees to pursue civil or criminal actions against any individual(s) who may have committed or participated in actions, or omissions to act, of misfeasance, malfeasance, breach of fiduciary duty, breach of public trust, negligence or any kind of wrongdoing whatsoever in connection with the implementation and/or adoption of the 1992 early retirement plan, which is being codified in certain respects by subsection (F) hereof.

The City and the Board of Trustees hereby respectively reserve the right and any claim or defense to discontinue, deny or recoup the benefits contained in subsection (F) hereof to and from any member or benefit recipient upon a finding that such member or recipient committed or participated in acts, or omissions to act, of misfeasance, malfeasance, breach of fiduciary duty, breach of public trust, negligence or any kind of wrongdoing whatsoever in connection with

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THE IMPLEMENTATION AND/OR ADOPTION OF THE 1992 EARLY RETIREMENT PLAN AS CODIFIED IN SUBSECTION (F) HEREOF. THE CITY AND THE BOARD OF TRUSTEES HEREBY ALSO RESERVE THE RIGHT TO DENY, WITHHOLD OR RECOUP THE BENEFITS CONTAINED IN SUBSECTION (F) HEREOF TO AND FROM ANY MEMBER OR RECIPIENT UPON A FINDING THAT ANY MEMBER OR RECIPIENT ELECTED RETIREMENT UNDER THE 1992 EARLY RETIREMENT PLAN WITH KNOWLEDGE THAT SAID PLAN WAS IMPROPERLY ADOPTED BY RESOLUTION NO. 201 OF 1992 OR OTHERWISE IMPROPERLY ADOPTED, OR ELECTED RETIREMENT WITH THE KNOWLEDGE THAT SAID MEMBER OR RECIPIENT HAD NO LEGAL ENTITLEMENT TO SUCH EARLY RETIREMENT BENEFITS, OR THAT SUCH ENTITLEMENT WAS SIGNIFICANTLY QUESTIONABLE UNDER THE CITY CHARTER, GENERAL LAW OF THE STATE OR ORDINANCE OF THE CITY CHARTER, LAW OR ORDINANCE.

292.21 AGE AND SERVICE RETIREMENT ALLOWANCE.

(A) UPON RETIREMENT, A MEMBER SHALL RECEIVE A STRAIGHT LIFE RETIREMENT ALLOWANCE AND SHALL HAVE THE RIGHT TO ELECT TO RECEIVE A RETIREMENT ALLOWANCE UNDER AN OPTION PROVIDED IN SECTION 292.27 IN LIEU OF A STRAIGHT LIFE RETIREMENT ALLOWANCE. SUCH MEMBER'S STRAIGHT LIFE RETIREMENT ALLOWANCE SHALL CONSIST OF THE FOLLOWING BENEFITS:

(1) AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF ACCUMULATED CONTRIBUTIONS STANDING TO THE MEMBER'S CREDIT IN THE EMPLOYEES' SAVINGS FUND AT THE TIME OF RETIREMENT; AND

(2) A PENSION WHICH, WHEN ADDED TO THE MEMBER'S ANNUITY, SHALL PROVIDE A STRAIGHT LIFE RETIREMENT ALLOWANCE EQUAL TO THE NUMBER OF YEARS, AND FRACTION OF A YEAR, OF THE MEMBER'S CREDITED SERVICE MULTIPLIED BY TWO PERCENT OF THE MEMBER'S FINAL AVERAGE COMPENSATION, EXCEPT AS MODIFIED BY THE FOLLOWING:

(A) FOR SUCH RETIREMENTS ON OR AFTER FEBRUARY 1, 1992, THE MULTIPLIER SHALL BE 2.5 PERCENT FOR A MAXIMUM OF THIRTY-FIVE YEARS OF CREDITED SERVICE, 1.5 PERCENT FOR CREDITED SERVICE BETWEEN THIRTY-FIVE AND FORTY YEARS, AND 1.0 PERCENT FOR CREDITED SERVICE BETWEEN FORTY AND FORTY-FIVE YEARS.

(B) EMPLOYEES RETIRING UNDER THIS SUBSECTION SHALL NOT EARN OR ACCRUE MORE THAN FORTY-FIVE YEARS OF CREDITED SERVICE.

(C) FOR RETIREMENTS OF FRATERNAL ORDER OF POLICE 911 BARGAINING UNIT EMPLOYEES ON OR AFTER SEPTEMBER 16, 1992, THE MULTIPLIER SHALL BE 2.5 PERCENT FOR A MAXIMUM OF THIRTY-FIVE YEARS OF CREDITED SERVICE, 1.5 PERCENT FOR CREDITED SERVICE BETWEEN THIRTY-FIVE AND FORTY YEARS, AND 1.0 PERCENT FOR CREDITED SERVICE BETWEEN FORTY AND FORTY-FIVE YEARS, AND ZERO PERCENT FOR CREDITED SERVICE IN EXCESS OF FORTY-FIVE YEARS. G

THE FOREGOING NOTWITHSTANDING, ANY MEMBER OF THE FOLLOWING EMPLOYEE GROUPS SHALL RECEIVE A PENSION WHICH, WHEN ADDED TO THE MEMBER'S ANNUITY, SHALL PROVIDE A STRAIGHT LIFE RETIREMENT ALLOWANCE EQUAL TO THE NUMBER OF YEARS, AND FRACTION OF A YEAR, OF THE MEMBER'S CREDITED SERVICE MULTIPLIED BY 2.5 PERCENT OF THE MEMBER'S FINAL AVERAGE COMPENSATION:

(A) TEAMSTER SUPERVISORY AND NON-SUPERVISORY, EXEMPT AND APPOINTED EMPLOYEES AND EXECUTIVE MANAGEMENT PLAN EMPLOYEES RETIRING IN ACCORDANCE WITH THE TERMS OF THE EARLY RETIREMENT INCENTIVE APPROVED BY COUNCIL ON APRIL 18, 1988; AND

(B) ANY FRATERNAL ORDER OF POLICE PARKS SECURITY DIVISION EMPLOYEE RETIRING IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT CONCERNING THE IMPACT OF LAYOFF ON THE PARKS SECURITY DIVISION, DATED JUNE 15, 1992.

(B) ACCORDING TO SUCH RULES AND REGULATIONS AS THE BOARD OF TRUSTEES MAY FROM TIME TO TIME ADOPT, ANY MEMBER WHO RETIRES PRIOR TO THE ATTAINMENT OF THE AGE OF SIXTY-FIVE YEARS MAY ELECT TO HAVE HIS OR HER STRAIGHT LIFE RETIREMENT ALLOWANCE ACTUARIALLY EQUATED TO PROVIDE AN INCREASED RETIREMENT ALLOWANCE PAYABLE TO THE MEMBER'S ATTAINMENT OF THE AGE OF SIXTY-FIVE YEARS AND A REDUCED RETIREMENT ALLOWANCE PAYABLE THEREAFTER. THE MEMBER'S INCREASED RETIREMENT ALLOWANCE PAYABLE TO THE MEMBER'S ATTAINMENT OF THE AGE OF SIXTY-FIVE YEARS SHALL APPROXIMATE THE SUM OF THE MEMBER'S REDUCED RETIREMENT ALLOWANCE PAYABLE AFTER THE ATTAINMENT OF THE AGE OF SIXTY-FIVE YEARS AND THE MEMBER'S ESTIMATED SOCIAL SECURITY PRIMARY INSURANCE AMOUNT.

(C) IF A RETIRANT DIES BEFORE HAVING RECEIVED, IN STRAIGHT LIFE RETIREMENT ALLOWANCE PAYMENTS, AN AGGREGATE AMOUNT EQUAL TO HIS OR HER ACCUMULATED CONTRIBUTIONS STANDING TO HIS OR HER CREDIT IN THE EMPLOYEES' SAVINGS FUND AT THE TIME OF HIS OR HER RETIREMENT, THE DIFFERENCE BETWEEN THE MEMBER'S ACCUMULATED CONTRIBUTIONS AND THE AGGREGATE AMOUNT OF STRAIGHT LIFE RETIREMENT ALLOWANCE PAYMENTS RECEIVED BY THE MEMBER SHALL BE PAID FROM THE RETIREMENT RESERVE FUND TO SUCH PERSON AS THE MEMBER NOMINATES BY WRITTEN DESIGNATION DULY EXECUTED AND FILED WITH THE BOARD. IF THERE IS NO SUCH DESIGNATED PERSON SURVIVING THE RETIRANT, SUCH DIFFERENCE, IF ANY, SHALL BE PAID TO THE RETIRANT'S LEGAL REPRESENTATIVE. NO BENEFITS SHALL BE PAID UNDER THIS SUBSECTION ON ACCOUNT OF THE DEATH OF A RETIRANT IF THE MEMBER HAD ELECTED OPTION 1, A OR B AS PROVIDED IN SECTION 292.27. (ORD. 908. PASSED 1-17-95.)

292.22 DEFERRED RETIREMENT ALLOWANCE.

(A) IF ANY MEMBER WHO HAS EIGHT OR MORE YEARS OF CREDITED SERVICE SEPARATES FROM THE EMPLOY OF THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION, PRIOR TO THE MEMBER'S ATTAINMENT OF THE AGE OF FIFTY-EIGHT YEARS, EXCEPT THROUGH RETIREMENT, OR DEATH, SUCH MEMBER SHALL BE ENTITLED TO A RETIREMENT ALLOWANCE AS PROVIDED IN SECTION 292.21, AS THE SECTION WAS IN FORCE AT

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THE TIME OF THE MEMBER'S SEPARATION FROM EMPLOYMENT WITH THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION, PROVIDED THAT THE MEMBER DOES NOT WITHDRAW HIS OR HER ACCUMULATED CONTRIBUTIONS FROM THE EMPLOYEES' SAVINGS FUND. THE MEMBER'S RETIREMENT ALLOWANCE SHALL BEGIN THE FIRST DAY OF THE CALENDAR MONTH NEXT FOLLOWING THE MONTH IN WHICH HIS OR HER APPLICATION FOR THE SAME IS FILED WITH THE BOARD OF TRUSTEES ON OR AFTER THE MEMBER'S ATTAINMENT OF THE AGE OF FIFTY-EIGHT YEARS. DURING THE PERIOD OF THE MEMBER'S ABSENCE FROM EMPLOYMENT WITH THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION, REGULAR INTEREST SHALL BE CREDITED TO THE MEMBER'S ACCUMULATED CONTRIBUTIONS STANDING TO HIS OR HER CREDIT IN THE EMPLOYEES' SAVINGS FUND.

(B) IF ANY MEMBER WHO HAS EIGHT OR MORE YEARS OF CREDITED SERVICE SEPARATES FROM THE EMPLOY OF THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION PRIOR TO THE ATTAINMENT OF THE AGE OF FIFTY-EIGHT YEARS, EXCEPT THROUGH RETIREMENT OR DEATH, AND IF THE MEMBER THEREAFTER DIES PRIOR TO ATTAINMENT OF THE AGE OF FIFTY-EIGHT YEARS, THE DESIGNATED SURVIVING SPOUSE SHALL BE ENTITLED TO A RETIREMENT ALLOWANCE AS PROVIDED IN SECTION 292.27, OPTION A, AS SUCH SECTION WAS IN FORCE AT THE TIME OF THE MEMBER'S SEPARATION FROM EMPLOYMENT WITH THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION, PROVIDED THAT THE MEMBER DOES NOT WITHDRAW ANY ACCUMULATED CONTRIBUTIONS FROM THE EMPLOYEES' SAVINGS FUND. THE DESIGNATED SURVIVING SPOUSE'S RETIREMENT ALLOWANCE SHALL BEGIN THE FIRST DAY OF THE CALENDAR MONTH NEXT FOLLOWING THE MONTH IN WHICH THE DESIGNATED SURVIVING SPOUSE FILES AN APPLICATION FOR THE SAME WITH THE BOARD ON OR AFTER THE DATE THE DECEASED FORMER MEMBER WOULD HAVE ATTAINED THE AGE OF FIFTY-EIGHT YEARS. DURING SUCH DEFERRAL PERIOD, REGULAR INTEREST SHALL BE CREDITED TO THE DECEASED FORMER MEMBER'S ACCUMULATED CONTRIBUTIONS STANDING TO HIS OR HER CREDIT IN THE EMPLOYEES' SAVING FUND.

(C) FOR A MEMBER, EMPLOYED IN A COVERED POSITION ON OR AFTER THE COVERED POSITION EFFECTIVE DATE, WHO DOES NOT ELECT TO TERMINATE MEMBERSHIP AS PROVIDED IN SECTION 292.14(C), THE COMMENCEMENT AGE OF FIFTY-EIGHT YEARS PROVIDED IN SUBSECTIONS (A) AND (B) HEREOF SHALL BE REPLACED BY A COMMENCEMENT AGE THAT IS THE EARLIER OF:

(1) THE AGE OF FIFTY-EIGHT YEARS; OR

(2) THE AGE, IN YEARS AND FULL MONTHS, WHICH, WHEN ADDED TO THE MEMBER'S YEARS AND FULL MONTHS OF CREDITED SERVICE, EQUALS OR EXCEEDS SIXTY-FIVE YEARS.

(D) ANY MEMBER WHO HAD FIVE OR MORE YEARS OF CREDITED SERVICE AND WAS TRANSFERRED FROM THE EMPLOY OF THE CITY TO THE EMPLOY OF THE COUNTY HEALTH DEPARTMENT ON JULY 1, 1947, SHALL REMAIN A MEMBER DURING THE PERIOD OF EMPLOYMENT BY THE COUNTY HEALTH DEPARTMENT. WHENEVER THE SUM OF CITY CREDITED SERVICE AND COUNTY CREDITED SERVICE EQUALS AT LEAST TEN YEARS, THE MEMBER SHALL BECOME ENTITLED TO A DEFERRED RETIREMENT ALLOWANCE COMPUTED ACCORDING TO SECTION 292.21 UPON THE BASIS OF THE MEMBER'S CITY CREDITED SERVICE. IN DETERMINING THE MEMBER'S FINAL AVERAGE COMPENSATION, THE MEMBER'S COMPENSATIONS PAID BY THE COUNTY HEALTH DEPARTMENT SHALL BE TREATED AS IF THEY WERE PAID BY THE CITY. THE RETIREMENT ALLOWANCE SHALL BEGIN THE FIRST DAY OF THE CALENDAR MONTH NEXT FOLLOWING THE MONTH IN WHICH THE MEMBER'S APPLICATION FOR THE SAME IS FILED WITH THE BOARD ON OR AFTER THE MEMBER'S ATTAINMENT OF THE AGE OF SIXTY YEARS, OR THE MEMBER'S RETIREMENT FROM COUNTY EMPLOYMENT, WHICHEVER IS LATER. IF THE MEMBER WITHDRAWS ALL OR PART OF HIS OR HER ACCUMULATED CONTRIBUTIONS FROM THE EMPLOYEES' SAVINGS FUND, HE OR SHE SHALL THEREUPON CEASE TO BE A MEMBER AND SHALL FORFEIT ALL RIGHTS IN AND TO A DEFERRED RETIREMENT ALLOWANCE AS PROVIDED FOR IN THIS SECTION.

(E) FOR A MEMBER SEPARATING FROM CITY SERVICE PURSUANT TO THE EARLY RETIREMENT INCENTIVES, APPROVED BY THE COUNCIL ON APRIL 18, 1988, THE COMMENCEMENT AGE OF FIFTY-EIGHT YEARS PROVIDED IN SUBSECTIONS (A) AND (B) HEREOF SHALL BE REPLACED BY A COMMENCEMENT AGE THAT IS THE EARLIER OF THE AGE OF FIFTY-EIGHT YEARS, OR THE AGE IN YEARS AND FULL MONTHS WHICH, WHEN ADDED TO THE MEMBER'S YEARS AND FULL MONTHS OF CREDITED SERVICE, EQUALS OR EXCEEDS SIXTY-FIVE YEARS. (ORD. 908. PASSED 1-17-95.)

292.23 TOTAL AND PERMANENT DISABILITY.

(A) UPON THE APPLICATION OF A MEMBER, OR THE MEMBER'S DEPARTMENT HEAD, THE CHIEF DISTRICT JUDGE OR THE HOUSING COMMISSION DIRECTOR ON THE MEMBER'S BEHALF, A MEMBER WHO IS IN THE EMPLOY OF THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION, HAS TEN OR MORE YEARS OF CREDITED SERVICE AND BECOMES TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY IN THE EMPLOY OF THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION BY REASON OF A PERSONAL INJURY OR DISEASE, MAY BE RETIRED BY THE BOARD OF TRUSTEES, PROVIDED THAT:

(1) AFTER A MEDICAL EXAMINATION OF THE MEMBER MADE BY OR UNDER THE DIRECTION OF THE MEDICAL DIRECTOR, THE MEDICAL DIRECTOR CERTIFIES TO THE BOARD THAT THE MEMBER IS MENTALLY OR PHYSICALLY TOTALLY INCAPACITATED FOR DUTY IN THE EMPLOY OF THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION AND THAT SUCH INCAPACITY WILL PROBABLY BE PERMANENT; AND

(2) THE REPORT OF THE MEDICAL DIRECTOR IS CONCURRED IN BY THE BOARD.

(B) THE TEN-YEAR SERVICE REQUIREMENT PROVIDED FOR IN SUBSECTION (A) HEREOF SHALL BE WAIVED FOR A MEMBER IF:

(1) THE BOARD FINDS THAT THE MEMBER IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY IN THE EMPLOY OF THE CITY, THE DISTRICT COURT OR THE

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Housing Commission as the natural and proximate result of a personal injury or disease arising out of and in the course of the actual performance of duty in the employ of the City, the District Court or the Housing Commission; and

(2) The member is in receipt of workers' compensation on account of his or her total and permanent incapacity occurring as the result of employment with the City, the District Court or the Housing Commission.

292.24 COMPUTATION OF BENEFITS FOR NON-DUTY DISABILITY.

If a member retires on account of total and permanent disability, as provided in Section 292.23, and the Board of Trustees finds that such member's disability did not occur as the result of causes arising out of and in the course of the member's actual performance of duty in the employ of the City, the District Court or the Housing Commission, the member shall receive a disability retirement allowance computed according to Section 292.21, exclusive of subsection (B) thereof. In no case shall the member's disability retirement allowance be less than fourteen percent of his or her final average compensation. The member's disability retirement allowance shall be subject to Sections 292.32, 292.33 and 292.34. Upon the member's retirement, he or she shall have the right to elect to receive a retirement allowance under an option provided in Section 292.27 in lieu of a straight life retirement allowance.

292.25 COMPUTATION OF BENEFITS FOR DUTY DISABILITY.

If a member retires before attainment of the age of sixty years on account of total and permanent disability, as provided in Section 292.23, and the Board of Trustees finds that the member's disability is the natural and proximate result of causes arising out of and in the course of the member's actual performance of duty in the employ of the City, the District Court or the Housing Commission, the member shall receive a disability retirement allowance computed according to Section 292.21, exclusive of subsection (B) thereof. In computing the member's disability retirement allowance, the credited service to be used shall be the sum of the member's credited service in force at the date of retirement and the number of years, and fraction of a year in the period from the date of the member's retirement to the date the member would attain the age of sixty years. During the workers' compensation period, the member's disability retirement allowance shall not exceed the difference between the member's final compensation and workers' compensation converted to an annual basis. The member's disability retirement allowance shall be subject to Sections 292.32, 292.33 and 292.34. Upon retirement, the member shall have the right to elect to receive a retirement allowance under an option provided in Section 292.27 in lieu of a straight life retirement allowance. Upon the attainment of the age of sixty years, the retirant shall be removed from disability retirement and transferred to age and service retirement, as provided in Section 292.21.

292.26 INCREASE IN BENEFITS.

(A) The benefits calculated in Sections 292.21, 292.24 and 292.25 shall be increased as per this subsection. Effective February 1, 1984, benefits for retirants and beneficiaries whose effective date of retirement is before November 4, 1979, shall receive an increase. Such increase shall be calculated by this formula: one percent of the retirant's or beneficiary's benefit on February 1, 1984, times the number of full calendar years between the effective date of retirement and January 1, 1984.

(B) The benefits calculated in Sections 292.21, 292.24 and 292.25 shall be increased as per this subsection effective February 1, 1987, benefits for retirants and beneficiaries whose effective date of retirement is before November 4, 1982, shall receive an increase. This increase shall be calculated by this formula: three percent times the retirant's or beneficiary's benefit on February 1, 1987.

292.27 RETIREMENT ALLOWANCE OPTIONS.

Any member may, prior to the effective date of his or her retirement, but not thereafter, elect to receive his or her retirement allowance as a straight life retirement allowance payable throughout his or her life and terminating at death, or he or she may elect to receive the actuarial equivalent of his or her straight life retirement allowance, at that time, in a reduced retirement allowance payable throughout his or her life, and nominate a beneficiary, in accordance with Option 1, A or B as follows:

Cash Refund Annuity - Option 1. If a retirant, who elected Option 1, dies before he or she has received in payment of the annuity portions of his or her reduced retirement allowance an aggregate amount equal to, but not exceeding, accumulated contributions standing to his or her credit in the employees' savings fund at the time of retirement, then the difference between his or her accumulated contributions and the aggregate amount of annuity payments received by him or her shall be paid to such person or persons as he or she nominates by written designation duly executed and filed with the Board of Trustees. If there is no such

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designated person surviving the retirant, then such difference, if any, shall be paid to his or her estate.

Joint and Survivor Allowance - Option A. Upon the death of a retirant who elected Option A, his or her reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his or her life, as he or she had nominated by written designation duly executed and filed with the Board prior to the effective date of his or her retirement.

Modified Joint and Survivor Allowance - Option B. Upon the death of a retirant who elected Option B, one-half of his or her reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his or her life, as he or she had nominated by written designation duly executed and filed with the Board prior to the effective date of his or her retirement.

292.28 BENEFITS FOR DEATH INCURRED IN LINE OF DUTY.

(A) Conditions for Benefits. If a member dies as the result of a personal injury or disease arising solely and exclusively out of and in the course of employment by the City, the District Court or the Housing Commission, or if a disability retirant dies prior to attaining the age of sixty years and within a period of three years from and after the disability retirement as the result of the same injury or disease for which the member retired, and in either case the death, injury or disease resulting in death is found by the Board of Trustees to have occurred as the natural and proximate result of causes arising solely and exclusively out of and in the course of the actual performance of duty in the employ of the City, the District Court or the Housing Commission, then the applicable benefits provided in subsections (B), (C), (D) and (E) hereof shall be paid, subject to the condition that workers' compensation is paid on account of the death of the member or retirant.

(B) Accumulated Contributions. In the case of a deceased member, the accumulated contributions standing to such member's credit in the employees' savings fund at the time of death shall be paid in accordance with Section 292.31.

(C) Surviving Spouse Benefits. The surviving spouse, if not remarried, shall receive a surviving spouse's pension equal to the surviving spouse's weekly workers' compensation converted to an annual basis. Such pension shall begin upon termination of the surviving spouse's workers' compensation period and shall terminate upon remarriage or death, whichever occurs first. As used in this section, "surviving spouse" means the person to whom the deceased member or retirant was married at the time such member's employment with the City, the District Court or the Housing Commission last terminated.

(D) Children's Benefits. Unmarried children under the age of twenty-one years shall each receive a child's pension equal to the child's weekly workers' compensation converted to an annual basis. Such child's pension shall begin upon termination of the child's workers' compensation period and shall terminate upon the attainment of the age of twenty-one years, or death, or marriage, whichever comes first. If the surviving spouse's pension is terminated, as provided in subsection (C) hereof, and if an unmarried child or children, under the age of twenty-one years, of the deceased member or retirant, outlive the surviving spouse, each such child's pension shall be increased by an equal share of the surviving spouse's pension.

(E) Dependent Parents' Benefits. The member's parent or parents shall receive a parent's pension equal to the parent's weekly workers' compensation converted to an annual basis. Such parent's pension shall begin upon termination of the parent's workers' compensation period and shall terminate upon remarriage or death, whichever occurs first.

292.29 NON-DUTY DEATH BENEFITS; ELECTION OF OPTION.

Any member who continues in the employ of the City, the District Court or the Housing Commission on or after the date such member acquires eight years of credited service may, at any time prior to the member's retirement, elect Option A as provided for in Section 292.27, in the same manner as if the member were then retiring from employment with the City, the District Court or the Housing Commission, and nominate a beneficiary whom the Board of Trustees finds to be dependent upon the member for at least fifty percent of the beneficiary's support due to lack of financial means. Prior to the effective date of retirement, a member may revoke the election of Option A and nomination of beneficiary, and may again elect Option A and nominate a beneficiary, as provided in this section. Upon the death or marriage or remarriage of such beneficiary prior to the effective date of the member's retirement, the election of Option A and nomination of beneficiary shall be automatically revoked. Upon the death of a member who has an Option A election in force, the member's beneficiary shall immediately receive a retirement allowance computed according to Section 292.21, exclusive of subsection (B) thereof, in the same manner in all respects as if the member had retired under an Option A election the day preceding the date of the member's death, notwithstanding that the member might not have

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ATTAINED THE AGE OF FIFTY-EIGHT YEARS. IF A MEMBER HAS AN OPTION A ELECTION AND NOMINATION OF BENEFICIARY IN FORCE AT THE TIME OF RETIREMENT, THEN THE MEMBER'S ELECTION OF OPTION A AND NOMINATION OF BENEFICIARY SHALL THEREAFTER CONTINUE IN FORCE. HOWEVER, WITHIN SIXTY DAYS PRECEDING THE DATE OF RETIREMENT, THE MEMBER SHALL HAVE THE RIGHT TO ELECT TO TAKE A RETIREMENT ALLOWANCE AS A STRAIGHT LIFE RETIREMENT ALLOWANCE OR UNDER ANOTHER OPTION AS PROVIDED IN SECTION 292.27. NO RETIREMENT ALLOWANCE SHALL BE PAID UNDER THIS SECTION ON ACCOUNT OF THE DEATH OF A MEMBER IF ANY BENEFITS ARE PAYABLE OR ARE TO BE PAYABLE UNDER SECTION 292.28 ON ACCOUNT OF THE MEMBER'S DEATH.

292.30 NON-DUTY DEATH BENEFITS; OPTION A PROVISION.

ANY MEMBER WHO CONTINUES IN THE EMPLOY OF THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION ON OR AFTER THE DATE THE MEMBER ACQUIRES EIGHT YEARS OF CREDITED SERVICE, AND DOES NOT HAVE AN OPTION A ELECTION IN FORCE, AS PROVIDED IN SECTION 292.29, AND DIES WHILE IN THE EMPLOY OF THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION, THE SURVIVING SPOUSE SHALL IMMEDIATELY RECEIVE A RETIREMENT ALLOWANCE COMPUTED ACCORDING TO SECTION 292.21, EXCLUSIVE OF SUBSECTION (B) THEREOF, AS IF SUCH MEMBER HAD RETIRED EFFECTIVE THE DAY PRECEDING THE DATE OF HIS OR HER DEATH. NO RETIREMENT ALLOWANCE SHALL BE PAID UNDER THIS SECTION ON ACCOUNT OF THE DEATH OF A MEMBER IF ANY BENEFITS ARE PAYABLE OR ARE TO BE PAYABLE UNDER SECTION 292.28 ON ACCOUNT OF THE MEMBER'S DEATH.

292.31 RETURN OF ACCUMULATED CONTRIBUTIONS.

(A) IF A MEMBER CEASES TO BE AN EMPLOYEE OF THE CITY BEFORE HE OR SHE HAS SATISFIED THE AGE AND SERVICE REQUIREMENTS FOR RETIREMENT, AS PROVIDED IN SECTION 292.20, AND IS NOT OTHERWISE ENTITLED TO A RETIREMENT ALLOWANCE, THEN HE OR SHE SHALL BE PAID HIS OR HER ACCUMULATED CONTRIBUTIONS STANDING TO HIS OR HER CREDIT IN THE EMPLOYEES' SAVINGS FUND, UPON HIS OR HER DEMAND IN WRITING ON FORMS FURNISHED BY THE BOARD OF TRUSTEES.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, IF A MEMBER DIES BEFORE HIS OR HER RETIREMENT BECOMES EFFECTIVE, THEN HIS OR HER ACCUMULATED CONTRIBUTIONS STANDING TO HIS OR HER CREDIT IN THE EMPLOYEES' SAVINGS FUND AT THE TIME OF HIS OR HER DEATH SHALL BE PAID TO SUCH PERSON OR PERSONS AS HE OR SHE HAD NOMINATED BY WRITTEN DESIGNATION DULY EXECUTED AND FILED WITH THE BOARD. IF THERE IS NO SUCH DESIGNATED PERSON SURVIVING THE DECEASED MEMBER, THEN HIS OR HER ACCUMULATED CONTRIBUTIONS SHALL BE PAID TO HIS OR HER LEGAL REPRESENTATIVE, SUBJECT TO SUBSECTION (C) HEREOF.

(C) IF A MEMBER DIES WITHOUT HEIRS AND WITHOUT HAVING NOMINATED A BENEFICIARY, THEN HIS OR HER ACCUMULATED CONTRIBUTIONS STANDING TO HIS OR HER CREDIT IN THE EMPLOYEES' SAVINGS FUND AT THE TIME OF HIS OR HER DEATH MAY BE USED TO PAY HIS OR HER BURIAL EXPENSE, NOT TO EXCEED A REASONABLE SUM TO BE DETERMINED BY THE BOARD, PROVIDED THAT HE OR SHE LEAVES NO OTHER ESTATE SUFFICIENT FOR SUCH PURPOSE.

(D) PAYMENT OF REFUNDS OF ACCUMULATED CONTRIBUTIONS MAY BE MADE IN INSTALLMENTS ACCORDING TO SUCH RULES AND REGULATIONS AS THE BOARD MAY, FROM TIME TO TIME, ADOPT.

(E) IF A MEMBER WHO TERMINATES EMPLOYMENT ELECTS A REFUND OF CONTRIBUTIONS AND:

(1) SOME OR ALL OF THE REFUND IS ELIGIBLE FOR ROLLOVER TREATMENT AS DEFINED BY THE INTERNAL REVENUE SERVICE; AND

(2) ELECTS TO HAVE SUCH ELIGIBLE DISTRIBUTION PAID DIRECTLY TO AN ELIGIBLE RETIREMENT PLAN OR IRA; AND

(3) SPECIFIES THE ELIGIBLE RETIREMENT PLAN OR IRA TO WHICH SUCH DISTRIBUTION IS TO BE PAID IN SUCH FORM AND AT SUCH TIME AS THE DISTRIBUTING PLAN ADMINISTRATION MAY PRESCRIBE.

THE DISTRIBUTION WILL BE MADE IN THE FORM OF A DIRECT TRUSTEE-TO-TRUSTEE TRANSFER TO THE SPECIFIED ELIGIBLE RETIREMENT PLAN.

292.311 TRANSFER OF ASSETS.

FOR EACH EMPLOYEE WHO ELECTS TO TERMINATE MEMBERSHIP IN THE RETIREMENT SYSTEM, PURSUANT TO SECTION 292.14(C), A LUMP SUM AMOUNT WILL BE TRANSFERRED FROM THE RETIREMENT SYSTEM TO A SUCCESSOR RETIREMENT PLAN QUALIFIED UNDER SECTION 401(A) OF THE INTERNAL REVENUE CODE. THE AMOUNT TRANSFERRED SHALL BE THE SUM OF:

(A) THE ACCUMULATED CONTRIBUTIONS STANDING TO THE MEMBER'S ACCOUNT IN THE EMPLOYEES SAVINGS FUND, THE TOTAL AMOUNT OF WHICH SHALL BE TRANSFERRED FROM THE EMPLOYEES SAVINGS FUND; AND

(B) THE EXCESS, IF ANY, OF THE FUNDED PORTION OF THE MEMBER'S ACTUARIAL PRESENT VALUE OF CREDITED PROJECTED BENEFITS, AS OF THE DATE OF MEMBERSHIP TERMINATION, OVER THE AMOUNT SPECIFIED IN SUBSECTION (A) HEREOF. SUCH EXCESS SHALL BE TRANSFERRED FROM THE PENSION ACCUMULATION FUNDS. THE FUNDED PORTION SHALL BE DETERMINED BY THE DECEMBER 31, 1989, ANNUAL ACTUARIAL VALUATION, AS PREPARED BY THE RETIREMENT SYSTEM'S ACTUARY.

UPON TRANSFER OF THE ABOVE AMOUNTS, THE EMPLOYEE SHALL WAIVE ALL RIGHTS TO A PENSION, ANNUITY, RETIREMENT ALLOWANCE OR RETURN OF THE ACCUMULATED CONTRIBUTIONS FROM THE RETIREMENT

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system.

292.32 RE-EXAMINATION OF DISABILITY RETIRANTS.

At least once each year during the first five years following the retirement of a member with a disability retirement allowance, and at least once in every three-year period thereafter, the Board of Trustees may, or, upon the disability retirant's application, shall, require any disability retirant, who has not attained the age of sixty years, to undergo a medical examination to be made by or under the direction of the Medical Director. If any such disability retirant refuses to submit to such medical examination in any such period, the retirant's disability retirement allowance may be discontinued by the Board until the retirant withdraws such refusal. If such refusal continues for one year, all the retirant's rights in and to a disability retirement allowance may be revoked by the Board. If, upon such medical examination of a retirant, the Medical Director reports to the Board, and such report is concurred in by the Board, that the retirant is physically able and capable of resuming employment with the City, the retirant shall be re-employed by the City, the District Court or the Housing Commission and the disability retirement allowance shall terminate. In re-employing the retirant, reasonable latitude shall be allowed the City in placing the retirant in a position commensurate with the retirant's type of work and rate of compensation at the time of retirement.

292.33 RETURN TO EMPLOYMENT.

A disability retirant who has been or is being returned to the employ of the City, the District Court or the Housing Commission, as provided in Section 292.32, shall, from the date of his or her return, again become a member of the retirement system. The member's credited service in force at the time of his or her retirement shall be restored to the member's credit. The member shall be given service credit for the period he or she was receiving a disability retirement allowance provided for in this chapter, if, within such period, the member was in receipt of workers' compensation on account of total and permanent disability arising out of and in the course of his or her employment with the City, the District Court or the Housing Commission; otherwise the member shall not be given service credit for the period he or she was in receipt of a disability retirement allowance.

292.34 ADJUSTMENT OF DISABILITY RETIREMENT ALLOWANCE.

(A) If a disability retirant becomes engaged in a gainful occupation, business or employment, and the sum of pay or other remuneration from such occupation, business or employment and the retirant's disability retirement allowance exceeds the retirant's final compensation, then the amount of the retirant's disability retirement allowance shall be reduced to an amount which, together with the amount so earned by the disability retirant, shall equal, but not exceed, the final compensation. For the purpose of this section only, a retirant's final compensation shall be increased two percent for each completed calendar year such retirant is in receipt of a disability retirement allowance. If the retirant's earnings are later changed, the disability retirement allowance shall be adjusted accordingly.

(B) Each disability retirant shall file with the Board of Trustees, at least annually, on forms furnished by the Board, a statement of his or her earnings, together with such supporting data as may be requested by the Board to establish a basis for determining earnings for operation of this section. The Board may from time to time adopt rules and regulations for defining earnings for purposes of application of this section. Failure by a disability retirant to submit required information upon written request by the Board may, at the discretion of the Board, subject the disability retirant to suspension of retirement allowance payments.

292.35 EMPLOYEES' SAVINGS FUND.

(A) There is hereby established an employees' savings fund. In it shall be accumulated, at regular interest, the contributions deducted from the compensations of members to provide their annuities, and from it shall be made transfers and refunds of accumulated contributions, as provided in this chapter.

(B) Until January 1, 1967, the contributions of a member to the retirement system shall be the sum of three percent of the first four thousand, two hundred dollars ($4,200) of annual compensation plus five percent of the portion, if any, of the annual compensation which is in excess of four thousand, two hundred dollars ($4,200). Beginning December 31, 1966, each member shall contribute to the retirement system three percent of his or her annual compensation, except as hereinafter provided:

(1) Beginning with pay periods ending on or after July 1, 1982, each of the following shall not contribute:

a. A member who is a part-time or full-time elected official; and

b. A member who is part of the executive pay plan.

(2) Beginning with pay periods ending on or after July 1, 1982, and through all pay periods

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ENDING BEFORE JULY 1, 1983, EACH OF THE FOLLOWING SHALL CONTRIBUTE 1.5 PERCENT OF THE MEMBER'S ANNUAL COMPENSATION:

A. A MEMBER WHO IS UNREPRESENTED BY A LABOR UNION, IS NOT EMPLOYED ON A REGULAR OR PERMANENT BASIS BY THE DISTRICT COURT, IS NOT EMPLOYED BY THE HOUSING COMMISSION AND IS NOT DESCRIBED IN PARAGRAPH (B)(1) HEREOF; AND

B. A MEMBER WHO IS REPRESENTED BY A UNION WHICH HAS ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT PROVIDING FOR THE CONTRIBUTION OF NOT MORE THAN 1.5 PERCENT OF EACH MEMBER'S ANNUAL COMPENSATION TO THE EMPLOYEES' SAVINGS FUND.

(3) BEGINNING WITH PAY PERIODS ENDING ON OR AFTER JULY 1, 1983, EACH OF THE FOLLOWING SHALL NOT CONTRIBUTE:

A. A MEMBER WHO IS UNREPRESENTED BY A LABOR UNION, IS NOT EMPLOYED ON A REGULAR OR PERMANENT BASIS BY THE DISTRICT COURT AND IS NOT DESCRIBED IN PARAGRAPH (B)(1) HEREOF; AND

B. A MEMBER WHO IS REPRESENTED BY A UNION WHICH HAS ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT WHICH DOES NOT PROVIDE FOR ITS MEMBERS TO MAKE ANY CONTRIBUTION TO THE EMPLOYEES' SAVINGS FUND.

(4) BEGINNING WITH PAY PERIODS ENDING ON OR AFTER OCTOBER 1, 1987, TEAMSTER 580 AND 214 SUPERVISORY AND NON-SUPERVISORY BARGAINING UNIT EMPLOYEES, ELECTIVE OFFICIALS, EXEMPT AND APPOINTED EMPLOYEES AND EXECUTIVE PAY PLAN EMPLOYEES, SHALL CONTRIBUTE 2.5 PERCENT OF THEIR WAGES TO THE EMPLOYEES' SAVINGS FUND; EFFECTIVE OCTOBER 1, 1988, SAID EMPLOYEES SHALL CONTRIBUTE 3.0 PERCENT OF THEIR WAGES TO THE EMPLOYEES' SAVINGS FUND; EFFECTIVE OCTOBER 1, 1989, SAID EMPLOYEES SHALL CONTRIBUTE 4.0 PERCENT OF THEIR WAGES TO THE EMPLOYEES' SAVINGS FUND; AND EFFECTIVE JULY 1, 1992, SAID EMPLOYEES SHALL CONTRIBUTE 3.0 PERCENT OF THEIR WAGES TO THE EMPLOYEES' SAVINGS FUND.

(5) BEGINNING WITH PAY PERIODS ENDING ON OR AFTER OCTOBER 1, 1987, DISTRICT COURT EXEMPT EMPLOYEES SHALL CONTRIBUTE 4.0 PERCENT OF THEIR WAGES TO THE EMPLOYEES' SAVINGS FUND.

(6) BEGINNING WITH PAY PERIODS ENDING ON OR AFTER DECEMBER 1, 1989, FRATERNAL ORDER OF POLICE PARKS SECURITY DIVISION EMPLOYEES SHALL CONTRIBUTE 3.4 PERCENT OF THEIR WAGES TO THE EMPLOYEES' SAVINGS FUND.

(7) BEGINNING WITH PAY PERIODS ENDING ON OR AFTER SEPTEMBER 16, 1992, FRATERNAL ORDER OF POLICE 911 OPERATORS' DIVISION EMPLOYEES SHALL CONTRIBUTE 4.0 PERCENT OF THEIR WAGES TO THE EMPLOYEES' SAVINGS FUND. EFFECTIVE WITH THE PAY PERIOD ENDING AUGUST 20, 1994, FRATERNAL ORDER OF POLICE 911 OPERATORS' DIVISION EMPLOYEES SHALL CONTRIBUTE 6.0 PERCENT OF THEIR WAGES TO THE EMPLOYEES' SAVINGS FUND.

(8). A. THE EMPLOYER SHALL PICK-UP THE FOP POLICE 911 OPERATORS, TEAMSTER 214 MEMBERS, TEAMSTER 580 MEMBERS, EXEMPT EMPLOYEES, EXECUTIVE PLAN EMPLOYEES, AND DISTRICT COURT EXEMPT EMPLOYEES CONTRIBUTIONS REQUIRED BY THIS SECTION FOR ALL COMPENSATION EARNED AFTER THE EFFECTIVE DATE OF THIS SUBSECTION. THE CONTRIBUTIONS SO PICKED-UP SHALL BE TREATED AS EMPLOYER CONTRIBUTIONS IN DETERMINING TAX TREATMENT UNDER THE UNITED STATES INTERNAL REVENUE CODE. THE EMPLOYER SHALL PICK-UP THE MEMBER CONTRIBUTIONS FROM FUNDS ESTABLISHED AND AVAILABLE IN THE SALARIES ACCOUNT, WHICH FUNDS WOULD OTHERWISE HAVE BEEN DESIGNATED AS MEMBER CONTRIBUTIONS AND PAID TO THE RETIREMENT SYSTEM. MEMBER CONTRIBUTIONS PICKED-UP BY THE EMPLOYER PURSUANT TO THIS SUBSECTION SHALL BE TREATED FOR ALL OTHER PURPOSES OF THIS AND OTHER LAWS OF THE EMPLOYER IN THE SAME MANNER AND TO THE SAME EXTENT AS MEMBER CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION. THE MEMBER DOES NOT HAVE THE OPTION OF RECEIVING THE PICKED-UP MEMBER CONTRIBUTIONS IN CASH INSTEAD OF HAVING IT PAID INTO THE RETIREMENT SYSTEM.

B. THE EFFECTIVE DATE OF THIS SUBSECTION SHALL COMMENCE UPON THE EMPLOYER RECEIVING NOTIFICATION FROM THE INTERNAL REVENUE SERVICE THAT, PURSUANT TO SECTION 414(H) OF THE UNITED STATES INTERNAL REVENUE CODE, THE MEMBER CONTRIBUTIONS SO PICKED UP SHALL NOT BE INCLUDED IN GROSS INCOME FOR TAX PURPOSES UNTIL SUCH TIME AS THEY ARE DISTRIBUTED BY REFUND OR BENEFIT PAYMENT.

(C) THE DIRECTOR OF FINANCE, OR OTHER OFFICER RESPONSIBLE FOR MAKING THE PAYROLL, SHALL CAUSE THE CONTRIBUTIONS PROVIDED IN SUBSECTION (B) HEREOF TO BE DEDUCTED FROM THE COMPENSATION OF EACH MEMBER ON EACH AND EVERY PAYROLL, FOR EACH AND EVERY PAYROLL PERIOD, SO LONG AS THE MEMBER REMAINS EMPLOYED BY THE CITY, THE DISTRICT COURT OR THE HOUSING COMMISSION.

(D) THE CONTRIBUTIONS PROVIDED FOR HEREIN SHALL BE MADE REGARDLESS OF THE FACT THAT THE MINIMUM COMPENSATION PROVIDED BY LAW FOR ANY MEMBER SHALL BE CHANGED THEREBY. EVERY MEMBER SHALL BE DEEMED TO CONSENT AND AGREE TO THE DEDUCTIONS MADE AND PROVIDED FOR HEREIN. PAYMENT OF THE MEMBER'S COMPENSATION LESS SUCH DEDUCTIONS SHALL BE A FULL AND COMPLETE DISCHARGE AND ACQUITTANCE OF ALL CLAIMS AND DEMANDS WHATSOEVER FOR THE SERVICES RENDERED BY SUCH PERSON DURING THE PERIOD COVERED BY SUCH PAYMENTS, EXCEPT AS TO BENEFITS PROVIDED UNDER THIS CHAPTER. WHEN DEDUCTED, THE CONTRIBUTIONS OF EACH MEMBER SHALL BE PAID TO THE RETIREMENT SYSTEM AND SHALL BE CREDITED TO THE MEMBER'S INDIVIDUAL ACCOUNT IN THE EMPLOYEES' SAVINGS FUND.

(E) IN ADDITION TO THE CONTRIBUTIONS DEDUCTED FROM COMPENSATION OF A MEMBER AS HEREINBEFORE PROVIDED, A MEMBER SHALL, IN ORDER TO QUALIFY FOR

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prior service credit, deposit in the employees' savings funds, by single payment or by an increased rate of contribution as determined by the Board, the accumulated contributions, if any, which the member withdrew therefrom, together with regular interest from the date of withdrawal to the date of repayment. Repayment shall be made in accordance with rules which the Board shall from time to time determine. The rules shall not require full repayment prior to the date which is one year following the date of renewed membership, nor shall the rules permit full repayment to extend beyond the date which is four years following the date of renewed membership, or following the effective date of this amendment, whichever is later. If a member dies prior to completion of repayment and leaves a spouse, then the spouse may pay the balance due within sixty days of the member's death. In no case shall any member be given credit for service rendered prior to the date he or she withdrew the accumulated contributions, until he or she repays to the employees' savings fund all amounts due such fund by the member.

(F) Upon the retirement of a member, his or her accumulated contributions shall be transferred from the employees' savings fund to the retirement reserve fund. At the expiration of a period of five years from and after the date an employee ceases to be a member, any balance standing to the member's credit in the employees' savings fund, unclaimed by such member or the member's legal representative, shall remain a part of the moneys of the retirement system if no retirement allowance will become payable under this chapter on account of the member's employment with the City, the District Court or the Housing Commission.

292.36 RETIREMENT RESERVE FUND.

There is hereby established a retirement reserve fund. From it shall be paid all annuities and pensions payable, as provided in this chapter. If a disability retirant returns to the employ of the City, the District court or the Housing Commission, the disability retirant's annuity reserve computed as of the date of his or her return shall be transferred from the retirement reserve fund to the employees' savings fund and shall be credited to the member's individual account therein and the member's pension reserve at the time shall be transferred to the pension accumulation fund.

292.37 PENSION ACCUMULATION FUND.

(A) There is hereby established a pension accumulation fund. In it shall be accumulated reserves for the payment of pensions and other benefits payable from contributions made by the City. Upon the basis of such mortality and other tables of experience, and regular interest, as the Board of Trustees from time to time adopts, the actuary shall annually compute the annuity and pension reserves for annuities and pensions being paid retirants and beneficiaries, and covering service rendered and to be rendered by members. The portion of the annuity and pension reserves not financed by members' contributions shall be financed by annual appropriations, to be made by Council, determined according to paragraphs (a)(1), (2) and (3) hereof.

(1) The appropriations for members' current service shall be a percentage of their annual compensations that will produce an amount which, if paid annually by the City during their future service, will be sufficient to provide the reserves, at the time of the members' retirements, for the pension portions of the retirement allowances to be paid them based upon their future service.

(2) The appropriations for members' accrued service shall be a percentage of their annual compensations that will produce an amount to be determined by the Board which, if paid annually by the City over a period of years, will amortize, at regular interest, the unfunded annuity and pension reserves, if any, for the accrued service portions of the retirement allowances to which the members might be entitled.

(3) The appropriations for pensions and retirement allowances being paid retirants and beneficiaries shall be a percentage of the annual compensation of members that will produce an amount, to be determined by the Board, which, if paid annually by the City over a period of years, will amortize, at regular interest, the unfunded annuity and pension reserves, if any, for pensions and retirement allowances being paid retirants and beneficiaries.

(B) Upon the retirement of a member, or at the time a pension becomes payable to a beneficiary on account of the death of a member, the pension reserve for such pension shall be transferred from the pension accumulation fund to the retirement reserve fund. The Board may, from time to time, transfer from the pension accumulation fund to the retirement reserve fund such additional amounts as are necessary to satisfy the actuarial requirements of the retirement reserve fund.

292.38 ADMINISTRATIVE AND INVESTMENT EXPENSES OF SYSTEM.

Administrative expenses of the retirement system shall be paid by the City from the General Fund, except insofar as they are related to investment of fund assets, in which case investment expenses shall be paid from investment proceeds. Expenses related to the investment of fund assets shall

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include, but not be limited to, fees for services of outside investment managers, bank custodians and investment performance evaluators.

292.39 APPROPRIATIONS.

The Board of Trustees shall certify the amounts of appropriations necessary to pay into the various funds of the retirement system, as enumerated in this chapter, according to legal budget procedure.

292.40 USE OF FUNDS.

All funds of the retirement system shall be held for the sole purpose of meeting disbursements for pensions, retirement allowances and other payments authorized by this chapter and shall be used for no other purpose. This provision, however, shall not be construed to prohibit the transfer of the Michigan Municipal Employee Retirement System of such funds as are necessary to effectuate any agreements between the City and the Housing Commission providing for the transfer of members employed by the Housing Commission to the Michigan Municipal Employees Retirement System. The crediting of moneys to the various funds of the system shall be interpreted to refer to accounting procedures and not to the actual segregation of moneys in the various funds of the system.

THE FUNDS SHALL BE HELD AND ADMINISTERED FOR THE EXCLUSIVE PURPOSE OF PROVIDING BENEFITS TO THE MEMBERS AND THEIR BENEFICIARIES AND DEFRAYING REASONABLE EXPENSES OF THE RETIREMENT SYSTEM. THE ENTIRE AMOUNT OF ALL MONEYS PAID INTO THE FUND SHALL CONSTITUTE AN IRREVOCABLE CONTRIBUTION BY THE CITY, AND THE CITY SHALL HAVE NO FURTHER RIGHTS OR CLAIMS TO SAID FUNDS OTHER THAN SUCH AMOUNTS AS REMAIN IN THE FUNDS UPON THE RETIREMENT SYSTEM'S TERMINATION BECAUSE OF ERRONEOUS ACTUARIAL COMPUTATIONS AFTER THE SATISFACTION OF ALL FIXED AND CONTINGENT OBLIGATIONS TO THE MEMBERS AND THEIR BENEFICIARIES. A BALANCE DUE TO AN ERRONEOUS ACTUARIAL COMPUTATION SHALL MEAN ANY SURPLUS ARISING BECAUSE ACTUAL REQUIREMENT DIFFERED FROM EXPECTED REQUIREMENTS BASED ON PREVIOUS ACTUARIAL VALUATIONS OF LIABILITIES OR DETERMINATION OF COSTS OF PROVIDING PENSION BENEFITS UNDER THE RETIREMENT SYSTEM IN ACCORDANCE WITH REASONABLE ASSUMPTIONS AS TO MORTALITY, INTEREST, AND THE LIKE, AND CORRECT PROCEDURES RELATING TO THE METHOD OF FUNDING, ALL AS MADE BY THE CITY UPON AND WITH THE ADVICE OF AN ACTUARY. NOTWITHSTANDING THE FOREGOING, ANY CONTRIBUTIONS MADE BY THE CITY BY A MISTAKE OF FACT SHALL BE RETURNED TO THE CITY, UPON ITS REQUEST, WITHIN 1 YEAR AFTER SUCH CONTRIBUTION WAS MADE.

292.41 MANAGEMENT OF RETIREMENT SYSTEM ASSETS.

The Board of Trustees shall be the trustees of the assets of the retirement system and shall have full power to invest and reinvest such assets, subject to M.C.L.A. 38.1132 et seq., as amended. The Board shall have full power to hold, purchase, sell, assign, transfer and dispose of any securities in which any of the moneys of the system have been invested, as well as the proceeds of such investments and any moneys belonging to the system. The Board shall have the power to purchase notes, bonds or other obligations of the City before or after the same are offered to the public, with or without advertising for bids.

292.42 PROHIBITED GAIN FROM SYSTEM INVESTMENTS.

Except as otherwise provided in this chapter, no trustee, officer or employee of the retirement system shall have any interest, direct or indirect, in the gains or profits from any investments made by the Board of Trustees. No such person, directly or indirectly, for himself or herself or as an agent or partner of others, shall borrow any of the moneys or deposits of the system or in any manner use the same, except to make such current and necessary payments as are authorized by the Board. No such person shall become an endorser or surety or become in any manner an obligor for any moneys loaned by or borrowed from the system.

292.43 ALLOWANCE AND CREDIT OF REGULAR INTEREST.

The Board of Trustees annually shall allow and credit regular interest on the mean balance in each of the funds of the retirement system for the preceding year. However, interest to be credited members' individual balances in the employees' savings fund shall be computed on such balances at the beginning of the calendar year and shall be credited at the end of the calendar year. Amounts so allowed and credited shall be paid from the income fund.

292.44 CUSTODIAN OF FUNDS; METHOD OF PAYMENT.

The City Treasurer shall be the custodian of the funds of the retirement system. All payments from such funds shall be made, according to City Charter provisions, only upon regular City vouchers signed by two persons designated by the Board of Trustees. No such voucher shall be drawn unless it has been previously authorized by a specific or continuing resolution adopted by the Board.

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292.45 PROHIBITED ASSIGNMENTS.

The right of a person to a pension, annuity or retirement allowance, to the return of accumulated contributions, to the pension, annuity or retirement allowance itself, to any optional benefits, and to any other right accruing to any person under this chapter, and the moneys of the retirement system, shall be unassignable and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law or any other process of law whatsoever, except as is specifically provided in this chapter.

292.46 CORRECTION OF ERRORS.

If any change or error in the records results in any member, retirant or beneficiary receiving from the retirement system more or less than he or she would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error, and, as far as practical, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member, retirant or beneficiary was correctly entitled shall be paid.

292.47 APPLICATION OF RECIPROCAL RETIREMENT ACT.

As to the retirement system established by this chapter, the City is hereby declared to be and is made a reciprocal unit of government under and subject to Public Act 88 of 1961, as amended, which Public Act is hereby adopted and made a part of this chapter.

292.48 FALSIFICATION; VIOLATIONS.

No person, with intent to deceive, shall make any statement or report required under this chapter which is untrue, or falsify or permit to be falsified any record of the retirement system, or otherwise violate, with intent to deceive, any of the provisions of this chapter.

292.49 BENEFIT LIMITATIONS AND REQUIRED DISTRIBUTIONS.

(A) BENEFITS PAID UNDER THE CITY OF LANSING EMPLOYEES RETIREMENT SYSTEM ORDINANCE SHALL NOT EXCEED THE LIMITATIONS OF INTERNAL REVENUE CODE SECTION 415, AS AMENDED, THE PROVISIONS OF WHICH ARE HEREBY INCORPORATED BY REFERENCE.

(B) NOTWITHSTANDING ANY PROVISIONS IN THIS ORDINANCE TO THE CONTRARY, THE DISTRIBUTION OF BENEFITS SHALL BE IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS AND OTHERWISE COMPLY WITH INTERNAL REVENUE CODE SECTION 401(A)(9), AS AMENDED, AND THE REGULATIONS THEREUNDER, THE PROVISIONS OF WHICH ARE INCORPORATED HEREIN BY REFERENCE:

(1) A MEMBER'S BENEFIT SHALL BE DISTRIBUTED TO HIM/HER NOT LATER THAN APRIL 1ST OF THE CALENDAR YEAR FOLLOWING THE LATER OF (1) THE CALENDAR YEAR IN WHICH THE MEMBER ATTAINS AGE 70 ½ OR, (2) THE CALENDAR YEAR IN WHICH THE MEMBER RETIRES. ALTERNATELY, DISTRIBUTIONS TO A MEMBER MUST BEGIN NO LATER THAN THE APPLICABLE APRIL 1ST AS DETERMINED UNDER THE PRECEDING SENTENCE AND MUST BE MADE OVER THE LIFE OF THE MEMBER OR THE LIFE EXPECTANCIES OF THE MEMBER AND THE MEMBER'S DESIGNATED BENEFICIARY IN ACCORDANCE WITH INTERNAL REVENUE CODE SECTION 401(A)(9) AND THE REGULATIONS THEREUNDER.

(2) DISTRIBUTIONS TO A MEMBER AND HIS/HER BENEFICIARY SHALL ONLY BE MADE IN ACCORDANCE WITH THE INCIDENTAL DEATH BENEFIT REQUIREMENTS OF CODE SECTION 401(A)(9)(G) AND THE REGULATIONS THEREUNDER.

292.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with these provisions are repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by the City Council.

Marilynn Slade, City Clerk

CONSIDERATION OF LATE ITEMS

1. From Councilmember Lilly; a Resolution approving the sale of property by the Board of Water & Light for a portion of the Erickson St. Station

HANDLED AS RESOLUTION #575

2. From Councilmember Lilly; a Resolution setting a Public Hearing for January 13, 1997 in consideration of SLU-07-96, 3700 S. Waverly Rd.

HANDLED AS RESOLUTION #576

3. From Councilmember Lilly; a Resolution setting a Public Hearing for January 13, 1997 in

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consideration of SLU-08-96, N. End of Roosevelt Ave. Pumping Station Equalization Basin

HANDLED AS RESOLUTION #577

4. From Councilmember Lilly; a letter from Bill Bradford announcing a "Wild Game Dinner Benefit" to be held at Corey's Restaurant on December 15, 1996 from 1:00 - 5:00 P.M. The cost of tickets is $10.00 and the proceeds will benefit the Make-A-Wish Foundation

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Benavides

To excuse Councilmembers Jones and Leeman from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

Mark Eggleston of 4001 Heathgate reported a complaint he got regarding one of his neighbors who received a warning notice within 24 hours of the last snowfall that he must clear his sidewalk or be ticketed.

Paget Maynard of 902 W. Shiawassee spoke in support of the issues promoted by the "March for Justice."

Dr. Willie Davis 1136 Shepard spoke regarding the history of African Americans in the United States.

Lloyd Teets of 116 E. Elm St. protested the introduction of an amendment to Council Rule #19, saying, He is guaranteed the right to petition his government for redress of grievances by the first amendment to the Constitution of the United States.

William Hubble of 3316 Wedgewood Dr. spoke in opposition to the resolution proposing an amendment to Council Rules, because it does not go far enough. It should define "action items".

Darnell Oldham, Sr. of 3815 Berwick Dr. protested the proposed amendment to Council Rule #19. He stated his feeling that Mayor Hollister should be required to remain at Council Meetings until all Public Comments have been made. He criticized the Mayor's suggestion for the use of Dialogue Circles to help solve some of the "March for Justice" issues. This is not a recognized primary training, it is secondary training. He urged Councilmembers to insist that Mayor Hollister make a report to them regarding the comments and allegations made during these meetings.

Christine Timmons of 335 E. St. Joseph urged Reverend Stone to "march for jobs and responsibility" if he really wants to help his community. He should march against the drug houses that our children frequent and for the large percentage of our children who do not have a father in the home.

Alberta Jordan thanked Councilmembers for recommending that Mayor Hollister delay making recommendations until the second week in January. She commented that drugs are a curse on all of our neighborhoods, black and white alike. They have been coming here for the past months because of violence committed against members of the community by Police Officers. The black and white rhetoric needs to stop.

Lewis Bozek of 419 Clarendon in E. Lansing asked that he be allowed to donate his speaking time to his daughter.

Ermias Alemayehw of BOND (Brotherhood Organization of a New Destiny) said that the Black Community has problems with a lack of fathers in the home and children being born out of wedlock. The issues that are being brought before City Council by the March for Justice Participants are being used as a wedge between
blacks and whites. He is here to show his support of the LPD. He urged Councilmembers not to try to tie the hands of the City's Law Enforcement Officers. The March for Justice, he said, does not represent the majority of black people in the City. Lansing does not have a "Police Brutality" issue, these allegations are being used to further a hidden agenda. Council has agreed to consider recommendations from Reverend Stone, are they amenable to considering recommendations from other factions in the Black Community?

Reverend Lester Stone of 1603 W. Kalamazoo, Pastor of Friendship Baptist Church, said that his group has asked Councilmembers to deal directly with them. He wants it to be perfectly clear that this is their expectation. He said that he read the police report on the Bozek matter. The report states that the son asked to be allowed to speak with his sister and that this request was denied. He demanded that Mayor Hollister stop lying about them. He described the Mayor's attempts to resolve this matter as an act of "paternalistic racism." He criticized Councilmember Beal for changing the rules on Public Comment tonight.

Tracey Hampton of 1008 W. Washtenaw objected to the proposed amendment to Council Rule #19. She accused Mayor Hollister of being dishonest and maneuvering the facts to work in a deceitful

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manner. She stated a challenge to the Mayor's figures on minority affirmative action in personnel recruitment at LPD.

Margaret Klotz of 9504 Chadwick in Laingsburg said that Public Safety should be the first order of business for everyone, including City Councilmembers. She read a portion of the Police Report made by Detective Bruce Lankheet of LPD. She demanded to know why she was not allowed to speak with her brother, Gary Bozek, prior to his being shot, even though they had both made repeated requests to be allowed to speak with each other. She wants to know exactly who on the START team is responsible for making this decision and why.

Leonard Jones of 2411 E. Jolly #7, stated that he is not a member of the March for Justice, however, he disagrees with the proposed change to Council Rule #19.

Jackie Wilcox of 3629 Lochmoor Dr. said that Lansing must deal with the issues before it right now.

COUNCILMEMBERS COMMENTS

Councilmember Novak responded to questions about the Police Cadet program that is being operated by LPD. This program is available throughout the Tri-County area. It cannot be limited to the City of Lansing only, because it is funded through Federal Grant monies and must be open to the tri-county as a whole. They have had recruiting efforts at all of the Lansing High Schools. Interested parties can contact him for more information.

Councilmember Allen asked if the Snow Angel program is still in existence. Mr. Wiener responded that he has been informed that there are not sufficient volunteers to operate this program at this time. Councilmember Allen requested, that in view of this information, the Municipal Civil Infractions Bureau be cautious about issuing citations for this violation. She indicated that the Resolution amending Council Rule #19 would probably not be in effect until after the first of the year, and hopefully, the issues of the March for Justice will have been dealt with by then. This Council Rule amendment is merely an attempt to stream-line the process.

Councilmember Benavides reported that fliers were distributed in his neighborhood warning residents that they would be liable for citations to be issued in the event that they did not clear their sidewalks within the specified period of time after a snowfall. Possibly, Council should take another look at this ordinance to add some leniency to it.

Councilmember Lilly objected to statements that the Council Rule amendment was racially motivated. The reality is that, by law, the rules regulating the right of the public to address Council may include the length of time given them to do so. Councilmember Beal was within her right tonight to restrict speakers to those who had registered ahead of time. They have the right to exert some control over their meetings. If the Public wants to be the one to control the meetings, they should run for office and get elected. They are receiving mixed messages. The Charter requires the Mayor to act on complaints that he has received, yet on one hand he is criticized for responding and on another hand, he is criticized for failing to respond.

Councilmember Beal stated that she used her discretion, as the Presiding Officer of this meeting to try to operate the meeting in a fair way. She enforced the sign-in rule so that she could make a fair decision as to how much time to allot to speakers. They were warned repeatedly that the rules would be enforced and that pre-registration was necessary in order to be able to speak. There are many times when citizens who have issues to address Council about are forced to sit through three hours of public comment before they can do so. If the "March For Justice" group wants Mayor Hollister to be present through the entire meeting, they need to meet with him and tell him so. She assured the members of the "March" that Council would not take up the Mayor's recommendations until after the first of the year.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener announced that Thursday, December 12, 1996 at 7:00 P.M. the Neighborhood Advisory Board will present the applications for the 1997 Neighborhood Grant Program at the South Side Police Precinct at the corner of Holmes Rd. and S. Cedar St. Applications will also be available at the City Hall Lobby information desk and at the Mayor's Office, as well as at Community Centers and Libraries. The deadline for submission of the applications is February 17, 1997. If you have any questions, call the Mayor's Office at 483-4141.

He stated that he shares the frustration of the Community. People on both sides of the "March for Justice" issues are feeling it. Mayor Hollister is committed to racial justice and equality, and to serving all of the people of the Community. He corrected a misinterpretation of one of Mayor Hollister's statements. He said that 59% of the employees hired *DURING HIS ADMINISTRATION* are women and minorities. They are aware that the percentage of minorities in the

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Police Department needs to be raised, and they are working toward that goal. The death of Edward Swans was a tragedy, and is especially painful because it happened during this administration, in our own jail. The investigation of this incident is not finished. The Prosecutor determined that he did not have sufficient information to prosecute. They have taken steps to ensure that this never happens again. There are new training programs, new technology, better monitoring of At-Risk prisoners, and they are hiring more officers. There are two incomplete legal actions pending with regard to the Swan Death; an FBI investigation and a lawsuit brought by the Swan Family. This is not over. We have not concluded this issue and people should not assume that we have dismissed it and that it is over and done with.

With regard to the Bozek case, which is under investigation, one issue is the relationship between the Ingham County Sheriff's Department and the City of Lansing START Team. There are many cases involving the START Team in which no one has died. The START Team considers it a personal failure when a death results from one of their operations.

Most of the comments made to the Administration during these meetings are generalizations that cannot be responded to. They need specific incidents that can be investigated. People must file written complaints in order for the Administration to look into a specific incident. This has been part of the problem. They are trying to get the public to understand the process so that they can use it. Only then will they be able to trust it. They will make recommendations to try to get resolve these issues, and hopefully, to move us along. It is unfortunate when it gets to the point of name calling. Mayor Hollister was trying to say that he extended his hand to Reverend Stone to try to meet with him regarding the recommendations he would make. Reverend Stone refused this invitation and called it insulting and paternalistic racism. They would still like to meet with the Reverend and are willing to do so at any time. The Mayor's recommendations are not the end of this process, nor are they intended as an insult. This is their responsibility as the Administrators of the Lansing Police Department, and as the Commander in Chief of the City. They are required by law and by morality to act. The Mayor's door is always open to this group. This is not the end of the process, merely part of it. They welcome the recommendations of Reverend Stone, as well as others who wish to make them.

The Mayor will make his recommendations, Council will refer them to Committee, discussion will be held, deliberation will be undertaken, decisions will be made, and implementation will take place. This is an on-going process. They will act in good faith and in a sincere attempt to be sensitive and responsible with the public about this issue.

ADJOURNED 11:40 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS DECEMBER 16, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers Bauer, Beal, Benavides, Jones, Leeman, Lilly

ABSENT: Councilmembers Allen, Novak

The invocation was observed as a Moment of Silence, and the Pledge of Allegiance was led by Councilmember Jones

CONSIDERATION OF LATE ITEMS

By Councilmember Leeman

To accept the following under suspension of the rules:

1. From Councilmember Leeman; a Resolution of Tribute to Buzz Hart, Owner of Lansing Recreation bowling Alley

2. From Councilmember Beal; a Request for Transfer of Funds

3. From Councilmember Beal; a Request that the Rules be suspended to allow for the addition of an executive session immediately following Special Ceremonies for the purpose of discussion of McKane vs City of Lansing

4. From Councilmember Lilly; an Ordinance for Introduction and Setting of Public Hearing on January 21, 1997; Z-15-96, Colonial Townehouses Co-op & 3818 Pleasant Grove

SPECIAL CEREMONIES

A. Mayor Hollister presented a Proclamation: declaring December 15-22, 1996, Greater Lansing Food Bank Week to Camille Abood. He said that he has worked together with Mr. Abood on the Food Bank program for 16 years.

Mr. Abood thanked Mayor Hollister for this honor and Council for their unanimous support of this project. Without the generous donations from the City and it's residents, they could not provide assistance to the 43,000 citizens of Lansing who live below the poverty line.

B. Councilmembers Jones and Leeman presented a Resolution of Tribute to Buzz Hart, Owner of Lansing Recreation Center. Mr. Hart thanked City Councilmembers and the men and women of the City who have been his customers for many years. He urged residents, city-wide, not to give up on their neighborhoods, because even if it takes 16 years as in the case of the S. Washington Area, the neighborhood can be saved and decline turned into prosperity.

EXECUTIVE SESSION

By Councilmember Beal

That this meeting of the Lansing City Council enter into closed session at this time for the purpose of discussing the lawsuit in the matter of McKane vs City of Lansing

ADOPTED BY THE FOLLOWING VOTE:

YEAS: Councilmembers Bauer, Beal, Benavides, Jones, Leeman, Lilly

NAYS: None

This meeting of the Lansing City Council recessed at 7:20 P.M. for the purpose stated above, and reconvened at 7:30 P.M. The sealed minutes of this executive session are on file in the Office of the City Clerk

PUBLIC HEARINGS

A. In consideration of the issuance of Orders for Make-safe or Demolish for Properties located at:

- 723 E. Park Terrace
- 326 W. Willow
- 1031 Clear
- 1229 Shepard
- 1105 E. Oakland

There were no speakers at this Public hearing

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT

Paget Maynard 902 W. Shiawassee said that he procured a copy of the Mayor's action plan on Police and Community relations. He protested comments made by speakers at last week's meeting.

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By Councilmember Leeman

To reduce the amount of speaking time allotted to each speaker to three minutes per person

MOTION FAILED BY THE FOLLOWING VOTE:

YEAS: Councilmember Leeman

NAYS: Councilmembers Bauer, Beal, Benavides, Jones, Lilly, Novak

Frank Curtis "X", no address given, stated that he was arrested under the provisions of Council Rule #19. It is Council's business to take care of the people and that includes listening to them. They will be here on Monday nights regardless of what Council says or does. The proposed rule change is unconstitutional. They are not afraid of the "white man" or of his "war." He predicted that there will be killing on both sides.

Raymon Martin of 4228 Brighton Dr. spoke regarding injustice in the workplace. He described a scenario at his place of employment that involved an accident to himself, in which he broke his foot and was off work for seven months. He had been employed by this company for nine years and yet their workman's compensation carrier refused to cover his needs. He lost his job and is now unemployed. He states that this is because of racial discrimination on the job.

Christine Timmons of 335 St. Joseph spoke in support of the revision of Council Rule #19. She stated her opinion that the March for Justice has frightened and intimidated "White Democrats."

Lloyd Teets of 116 E. Elm thanked Councilmembers for paying tribute to Buzz Hart. He stated his opposition to the revision of Council Rule #19. Rather than changing Rule #19, Council should change Rule #16 governing the order of business as it is stated on the agenda.

Darnell Oldham, Sr. of 3815 Berwick Dr. protested the death of Edward Swans at the hands of the Lansing Police Department while being incarcerated in the Lansing jail. To date, none of the officers involved in the death has received punishment. This indicates to him that the complaints of the people who have appeared in Council Chambers have been misunderstood. He wants discipline and accountability in the Police Department.

Reverend Lester D. Stone of 1603 W. Kalamazoo St. stated that he has met with the Mayor 5 times. The purpose of those meetings was to assess Mayor Hollister's attitude about their issues. He criticized the Mayor for refusing to delay his recommendations in accordance with their request and said that this is paternalistic racism. They will not be silenced. They will continue to march, protest and speak, until they are heard. He announced a future March for Justice in the spring of 1997 and public demonstrations at City sponsored events and possibly, some form of economic boycott. They will present their recommendations to the Mayor during the second week in January 1997. The Mayor's recommendations do not address the deep fundamental crisis that they know exists at LPD. They are a shallow and superficial attempt to bring quick closure to this issue.

Peter Bunton of 3311 Brisbane thanked Camille Abood for his work at the Food Bank. He stated his opposition to the revision of Council Rule #19 and his disappointment with Mayor Hollister's recommendation on the March for Justice issues. The public must be allowed to speak when they ask to be heard, not when Council agrees to hear them.

Connie Delaney of 3721 Aurelius Rd. said that Mayor Hollister supported the 100% commodities based sewer rate methodology when he was a State Representative. Residential property owners should not be made to carry the burden of the CSO Program any longer. She demanded that she be informed of the results of her 1995 Stormwater appeal.

Helen Fiser of 12100 S. Cork Rd. in Morrice, MI said that their FOIA requests were nicely written. They have asked nicely for the information they seek. Now they are mad and they will no longer be nice. They will demand a response to their requests. This is a public project and this information should not be confidential. They are done playing word games with the City.

Alberta Jordan, no address given, said that Mayor Hollister refuses to respond to her complaints. It is her right to come here and address Council and to express their frustration. She stated that she has a lot of "mess" on the LPD.

Lewis Bozek of 419 Clarendon in E. Lansing said that he is the father of Gary Bozek who was killed by the Lansing START Team on his own property after he had burned down his own home. This is not a crime.

COUNCILMEMBER NOVAK ENTERED THIS MEETING AT 8:30 P.M.

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Fred Lupkin of 439 Collingwood in E. Lansing said that there is no explanation for the actions of the Police Officers in the first four hours of the Bozek case on file with LPD, nor with the Ingham County Sheriff's Office. The only report they are able to find deals with the last few moments of the incident just before Gary was killed. He made accusations of improper handling by Police in the Bozek case.

Virginia Bozek of 419 Clarendon said that she has three documents one from the City of Rochester, NY regarding their complaint process, one from the Berkley Police Review Commission, and an article by Gregg Meyer on the need for more humane treatment of suspects and advocating the use of non-lethal weaponry. She said she was happy to learn that the City is working on an understandable complaint process that will set forth the prescribed steps and parameters under which citizens will be responded to.

Roxanne Johnson of Pompton Cr. deplored the slander and name calling by speakers. She stated that she rejects Mayor Hollister's recommendations. They only scratch the surface of fundamental problems and are a slap in the face to the March for Justice and residents of the Community.

Tracy Hampton, no address given, said that she meets several times per year with several well known civil rights leaders who are taking note of what has been happening in Lansing. She is disappointed that the Mayor made his recommendations after they asked him to delay them. His actions speak louder than his words, however, there is a mechanism to address this.

Andrew Brody of 1114 Glenn St. pledged his support to the March for Justice and it's organizers. He expressed his dismay over what he termed the "weak and watered down" recommendations of Mayor Hollister. They will not solve the problems that are happening here in Lansing. These recommendations will not stop them. They will continue to march and preach for justice for themselves. They are motivated by God and man cannot stop them.

Ammahad Shekarakki of 902 W. Willow said that they will be here as long as hate, racism and bigotry are in the community. If necessary, they will be here forever. He stated that if you are born a black man, you will be stopped and harassed by law enforcement officers at some time in your life.

COMMUNICATIONS AND PETITIONS

By Councilmember Benavides

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter protesting the proposed revision of Council Rule #19 from:

- Lloyd Teets of 116 E. Elm St.
- Reverend Lester D. Stone, Pastor of Friendship Baptist Church

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Letter from Conti Development Corporation regarding Fairfield Place (The Terraces) Renovation Project

RECEIVED AND PLACED ON FILE

C. Letter from Wolverine Development Corporation regarding Z-18-96, 4720 S. Cedar

REFERRED TO THE MAYOR AND THE PLANNING BOARD

D. Notice from the State of Michigan Department of Consumer & Industry Services, Liquor Control Commission regarding the cancellation of a request for New Outdoor Service Permit by Steve's Pub, Inc. of 333 S. Washington Ave.

RECEIVED AND PLACED ON FILE

E. Letter from Consultants submitting the Consolidated Courts Facility Study

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

F. Letters from Helen Fiser of 12100 S. Cork in Morrice, MI regarding:

- On behalf of Walter Jones of 215 Rumsey, Requesting a Meeting

REFERRED TO THE MAYOR

- Information regarding a FOIA request that was denied

RECEIVED AND PLACED ON FILE

G. Letter from Algie T. Watkins of P.O. Box 25034 regarding his suggestions for revision of the City of Lansing Personal Property Tax System

REFERRED TO THE MAYOR AND THE COMMITTEE ON

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WAYS AND MEANS

H. Letter from Attorneys on behalf of Samuel Hopkins & David Miller regarding their request for payment of Attorney Fees

REFERRED TO THE CITY ATTORNEY

I. Letter from the State of Michigan Department of Treasury Regarding the Industrial Facility Exemption Application by Demmer Corp.

REFERRED TO THE MAYOR

J. Letter from the National League of Cities regarding their Steering Committees

RECEIVED AND PLACED ON FILE

MAYOR'S COMMENTS

Mayor Hollister announced that the City has received a Renaissance City designation award from the State. This is a special tax incentive program to aid urban areas in Lansing. For instance, it will benefit the Seven Block Development Area. We should see 50 new homes, as well as commercial and retail development in that area. Also, it will benefit the Lindell Drop Forge area and allow it and the land around it to be developed for residential use. The Governor was very impressed and laudatory about progress made by the City. Now the work begins.

He wished condolence to the family of Dick Miller.

He stated that the letter from Dr. Halik, Superintendent of Lansing School District, indicating that they will no longer fund adult recreational programs will leave a larger burden on the City to pick up the costs of these programs.

He reviewed His action plan on Community and Police Relations. This is a thoughtful, prudent and substantive response to the concerns articulated here in Council Chambers and at the March. It can strengthen Police and Community relations by doing a number of things that are outlined in his report. This is the beginning of the solution process, which is an ongoing process. He welcomed the input and interaction of everyone. He stated his commitment to healing and moving forward.

Councilmember Lilly reported receiving a call from a constituent who was ticketed for leaving his car running in his own driveway. This was apparently done because of a problem with stolen cars in this man's neighborhood. However, if the City is going to operate this kind of a program, we should be informing the residents to that effect.

Councilmember Beal told Mayor Hollister that Councilmembers met several weeks ago with members of the March for Justice. They had a very productive meeting and both sides felt that they had reached an understanding with each other that would allow them to tone things down a bit. She suggested that Mayor Hollister's recommendations could undermine this understanding because they contain a lack of substance. Most of his recommendations are things that we are already doing, with the exception of the North Side Police Precinct which Council has already opposed and will continue to oppose. She stated her dismay that this is included as part of his recommendations and suggested a change in the focus of the Human Relations Department, which is already well accepted and in place to deal with some of the issues brought out by the March for Justice.

She asked the Mayor about the Residential Preference Process used in Personnel Recruitment. How much preference is given to residents and what exactly is the City doing to make sure that all new hires are City residents?

Mayor Hollister introduced Sharron Bommarito, Director of Personnel Services, who explained that the Personnel Department is operating under a preference policy developed by the Committee on General Services and the City Attorney last year and approved by City Council.

Councilmember Beal stated her concurrence with the Members of the March for Justice in their concern over the Mayor's absence during the second half of City Council meetings. She requested that Mayor Hollister arrange his schedule so that he can be present during the entire meetings.

Councilmember Leeman asked Mayor Hollister to schedule a meeting with Walter Jones regarding the sewer rate .methodology. He stated his support for the Community Policing Program and said that it should give the Department a great deal of latitude in the selection process.

Councilmember Bauer said that she felt that Mayor Hollister's recommendations are very clear and responsive to the issues raised by March for Justice Participants. This is a good beginning to an ongoing process of improving relations between the Police Department and the Community. Council will submit it's feedback to the Mayor's suggestions, however, this is a good point to move forward in a positive direction from. She would like to see them address and

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strengthen the complaint process and take a look at the START Team policies and procedures to see how we deal, in an ongoing way, with difficult and sensitive situations.

CITY OFFICER AND BOARD REPORTS

A. Letters from the City Clerk re:

1. Submitting the Rules of Procedure for the Ethics Board, Revised per City Council suggestion

REFERRED TO THE COMMITTEE OF THE WHOLE

2. Submitting the Proposed City Council Meeting Schedule for the First Six Months of 1997

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Letter from Manager of the Economic Development Corporation Office regarding the Demmer Corporation Amended Application for Industrial Facilities Exemption Certificate

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

C. Letter from the City Attorney regarding the selection of Outside Legal Counsel for the Board of Water & Light

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

D. Letters from the Mayor re:

1/ Public Improvement 1, Curb & Gutter and Sidewalks, on Mel Ave. from Washington Ave. to Manor Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

2/ Sale of Property 918 W. St. Joseph

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

3/ Transfer of Funds: Parks & Recreation, Finance Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

4/ Worker Compensation Third Party Administrator Report on Costs and Injuries

RECEIVED AND PLACED ON FILE

5/ Letter of Appreciation from Kelly Thompson of Downtown Lansing to the Lansing Police Department

RECEIVED AND PLACED ON FILE

6/ Letter of Appreciation from Mary Booth of the Tri-County Office On Aging to Cheryl Henry and the South Side Police Precinct

RECEIVED AND PLACED ON FILE

7/ Letter of Appreciation from Carolyn K. Callen, Chair of the 2nd Annual Westside Home Tour to Fire Station #7

RECEIVED AND PLACED ON FILE

8/ Parking Regulation Request: Terminal Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

9/ Parking Regulation Request Colvin Court

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

10/ Traffic Control Request; Andrew Jackson Blvd. & Executive Dr.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

11/ Request for Appropriation of Community Use Funds for: Boys & Girls Club, Lansing Art Gallery, Human Relations & Community Services Dept.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

12/ Trash Violation Fee (V-34, Memo #3) $2,184.49

RECEIVED AND PLACED ON FILE

13/ Notice from Richard Halik, Superintendent of Schools, of the discontinuation of the Community Education Program

RECEIVED AND PLACED ON FILE

COMMITTEE REPORTS

RESOLUTION #578
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred a Freedom of Information Act request from two employees in the Law Department,

REPORTS AS FOLLOWS: The second meeting on this matter lasted for two tension-filled hours. The Committee learned that the Mayor's office

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RESPONDED TO THE FOIA REQUEST, BUT THAT THE EMPLOYEES ARE NEITHER SATISFIED WITH THE INFORMATION FURNISHED NOR WITH THE PROCESS USED TO DEVELOP THE RESPONSE. IN ADDITION, THE EMPLOYEES WERE EXTREMELY CRITICAL OF THE SELECTION PROCESS USED TO FILL RECENT VACANCIES IN THE LAW DEPARTMENT, WHICH LED TO THE FOIA REQUEST. THEY WERE JOINED IN THIS CRITICISM BY ANOTHER UNSUCCESSFUL CANDIDATE, WHO IS AN EXPERIENCED ATTORNEY IN PRIVATE PRACTICE. CHARGES OF BIAS WERE LEVELED, AND AT LEAST ONE LAWSUIT WAS THREATENED. THE CITY ATTORNEY AND THE DIRECTOR OF PERSONNEL SERVICES DEFENDED THE PROCEDURE USED, WHICH APPEARS TO MEET THE REQUIREMENTS OF THE PERSONNEL ORDINANCE FOUND IN CHAPTER 286 OF THE CITY CODE. THE COMMITTEE HEREBY REFERS THIS MATTER TO THE MAYOR FOR A THOROUGH INVESTIGATION OF THE EMPLOYEES' AND OTHER ATTORNEY'S COMPLAINTS, FOR A PROMPT REPORT BACK TO THE COUNCIL. THIS REPORT IS FOR INFORMATION ONLY, AND NO COUNCIL ACTION IS REQUIRED AT THIS TIME.

SIGNED: TONY BENAVIDES, CHAIR
JOAN BAUER,
VICE CHAIR RICK LILLY

BY COUNCILMEMBER BENAVIDES:

THAT THE REPORT OF THE COMMITTEE BE RECEIVED AND REFERRED, TO THE MAYOR.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #579
BY THE COMMITTEE ON
DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

LS-10-96, DIVISION OF THE PROPERTY COMMONLY KNOWN AS 110, 112 & 114 E. KILBORN STREET.

WHEREAS, THE APPLICANT, DONALD AND VERONICA WILSON, IS DESIROUS OF SPLITTING PARCEL #3301-09-408-221, COMMONLY KNOWN AS 110, 112 & 114 E. KILBORN STREET; AND

WHEREAS, THERE ARE THREE STRUCTURES ON ONE LOT; AND

WHEREAS, THIS PROPOSAL IS COMPATIBLE WITH THE RIVER ISLAND AREA MASTER PLAN AND THIS PROPOSAL WILL FACILITATE THE LONG TERM DEVELOPMENT OF THIS AREA BY ALLOWING SEPARATE OWNERSHIP OF THE INDIVIDUAL BUILDINGS, AND

WHEREAS, THE LANSING BOARD OF ZONING APPEALS APPROVED THE NECESSARY VARIANCES FOR SIDE YARD SETBACKS REQUIRED BY THE LOT SPLIT DURING BZA-3419-96; AND

WHEREAS, THE LANSING PLANNING BOARD, AT ITS NOVEMBER 19, 1996 MEETING, REVIEWED THE PROPOSAL AND UNANIMOUSLY (7-0) TO RECOMMENDED APPROVAL OF SAID LOT SPLIT OF PARCEL #3301-09-408-221; AND

WHEREAS, THE COMMITTEE ON DEVELOPMENT AND PLANNING HAS REVIEWED THE REPORT OF THE PLANNING BOARD AND CONCURS THEREWITH;

NOW, THEREFORE, BE IT RESOLVED THAT THE LANSING CITY COUNCIL HEREBY APPROVE THE SPLIT OF PARCEL #3301-09-408-221 (LS-10-96), COMMONLY KNOWN AS 110, 112 & 114 E. KILBORN STREET INTO THREE PARCELS PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PART OF THE NORTH 132 FEET OF LOT 5, BLOCK 43, ORIGINAL PLAT OF THE CITY OF LANSING, INGHAM COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF LOT 5, BLOCK 43, THENCE SOUTH 100 FEET ON THE EAST LINE OF SAID LOT 5; THENCE S15'57'W, 7.28 FEET; THENCE SOUTH 25.00 FEET; THENCE WEST 37.00 FEET; THENCE NORTH 22.84 FEET; THENCE N17'39'E, 20.08 FEET; THENCE NORTH 90.00 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE EAST 33.00 FEET ON THE SOUTH LINE OF KILBORN STREET TO THE POINT OF BEGINNING.

PARCEL B:

THAT PART OF THE NORTH 132 FEET OF LOT 5, BLOCK 43, ORIGINAL PLAT OF THE CITY OF LANSING, INGHAM COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING ON THE SOUTH LINE OF KILBORN STREET AT A POINT 33.00 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 5, BLOCK 43; THENCE SOUTH 90.0 FEET; THENCE S17'391 W, 20.08 FEET; THENCE SOUTH 22.84 FEET; THENCE WEST 27.00 FEET TO THE WEST LINE OF LOT 5, BLOCK 43; THENCE NORTH 132.00 FEET ON THE WEST LINE OF LOT 5, BLOCK 43 TO THE SOUTH LINE OF KILBORN STREET; THENCE EAST 33.00 FEET ON THE SOUTH LINE OF KILBORN STREET TO THE POINT OF BEGINNING.

PARCEL C:

THAT PART OF THE NORTH 132 FEET OF LOTS 4 AND 5, BLOCK 43, ORIGINAL PLAT OF THE CITY OF LANSING, INGHAM COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF LOT 4 ON KILBORN STREET; THENCE EAST 33 FEET ON THE NORTH LINE OF LOT 4 ON KILBORN STREET; THENCE SOUTH, 132.0 FEET; THENCE WEST, 35.0 FEET; THENCE NORTH, 25.0

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FEET;THENCE N15'57'E, 7.28 FEET TO THE LOT LINE COMMON TO LOTS 4 AND 5; THENCE NORTH, 100.00 FEET ON SAID LOT LINE TO THE POINT OF BEGINNING.

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

RESOLUTION #580
BY COUNCILMEMBER LEEMAN
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, "BUZZ" HART IS RETIRING AFTER 37 YEARS AS OWNER OF LANSING RECREATION CENTER, INC., A 23-LANE BOWLING ALLEY WITH LOUNGE LOCATED AT 1115 SOUTH WASHINGTON; AND

WHEREAS, FOR THE PAST 31 YEARS, BUZZ HAS SERVED AS SECRETARY/TREASURER OF THE GREATER LANSING BOWLING PROPRIETORS, AND HE IS A CHARTER MEMBER OF THE BOWLING HALL OF FAME; AND

WHEREAS, BUZZ HAS GIVEN BACK TO HIS COMMUNITY IN MANY WAYS, SUCH AS DONATING SPACE FOR A COMMUNITY POLICE STATION AND THE RIVERPOINT NEIGHBORHOOD ASSOCIATION, AND HE WAS A LEADER IN THE EFFORT TO REMOVE THE PROBLEM-PLAGUED CRSC OFFICE FROM THE 1100 BLOCK OF SOUTH WASHINGTON; AND

WHEREAS, THE RECREATION CENTER HAS BEEN SOLD, BUT REINVESTMENT DOLLARS HAVE BEEN PUT INTO THE FACILITY SO THAT BOWLING CAN CONTINUE ON SOUTH WASHINGTON;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL, SITTING IN REGULAR SESSION THIS 16TH DAY OF DECEMBER, 1996, HEREBY EXPRESSES SINCERE GRATITUDE TO BUZZ HART FOR THESE 37 YEARS OF SERVICE TO LANSING'S MANY BOWLERS, AND HIS OUTSTANDING CONTRIBUTIONS TO THE CAPITAL CITY; AND

BE IT FURTHER RESOLVED THE MEMBERS OF COUNCIL WISH BUZZ A LONG, HAPPY, AND HEALTHY RETIREMENT.

BY COUNCILMEMBER LEEMAN

CARRIED UNANIMOUSLY

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

THE FOLLOWING ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY PROVIDING FOR THE REZONING OF PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN, AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE FOR PROPERTY LOCATED AT:

Z-15-96, COLONIAL TOWNEHOUSES COOPERATIVE & 3818 PLEASANT GROVE, COMMUNITY UNIT PLAN (CUP) & "C" RES. TO ""DM-1" RESIDENTIAL DISTRICT

WAS INTRODUCED BY COUNCILMEMBER LILLY, READ A FIRST AND SECOND TIME BY ITS TITLE AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING.

RESOLUTION #581
BY COUNCILMEMBER LILLY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING THAT A PUBLIC HEARING BE SET FOR MONDAY, JANUARY 21, 1997 AT 7 P.M. IN CITY COUNCIL CHAMBERS, TENTH FLOOR, LANSING CITY HALL, 124 WEST MICHIGAN AVENUE, LANSING, MICHIGAN, FOR THE PURPOSE OF APPROVING AND/OR OPPOSING THE ORDINANCE FOR REZONING:

Z-15-96, COLONIAL TOWNEHOUSES COOPERATIVE & 3818 PLEASANT GROVE, COMMUNITY UNIT PLAN (CUP) & "C" RES. TO "DM-1" RESIDENTIAL DISTRICT

BY COUNCILMEMBER LILLY

CARRIED UNANIMOUSLY

CONSIDERATION OF LATE ITEMS

1. FROM COUNCILMEMBER LEEMAN; A RESOLUTION OF TRIBUTE TO BUZZ HART, OWNER OF LANSING RECREATION BOWLING ALLEY

HANDLED AS RESOLUTION # 580

2. FROM COUNCILMEMBER BEAL; A REQUEST FOR TRANSFER OF FUNDS

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

3. FROM COUNCILMEMBER BEAL; A REQUEST THAT THE RULES BE SUSPENDED TO ALLOW FOR THE ADDITION OF AN EXECUTIVE SESSION IMMEDIATELY FOLLOWING SPECIAL CEREMONIES FOR THE PURPOSE OF DISCUSSION OF MCKANE VS CITY OF LANSING

THE RULES WERE SUSPENDED AND AN EXECUTIVE SESSION WAS HELD FOLLOWING SPECIAL CEREMONIES

4. FROM COUNCILMEMBER LILLY; AN ORDINANCE FOR INTRODUCTION AND SETTING OF PUBLIC HEARING ON JANUARY 21, 1997; Z-15-96, COLONIAL TOWNEHOUSES CO-OP & 3818 PLEASANT GROVE

HANDLED AS RESOLUTION #581

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MOTION OF EXCUSED ABSENCE

By Councilmember Lilly

To excuse Councilmember Allen from tonight's proceedings

Carried unanimously

PUBLIC COMMENTS

Paget Maynard of 902 W. Shiawassee spoke in support of a residency requirement for City Employees, and said that nothing should be more important to Councilmembers than the people and their thoughts and complaints.

Christine Timmons of 335 E. St. Joseph spoke in opposition to a residency requirement. The March for Justice, she said, is a ruse which has taken attention away from the real problems in the City.

Lloyd Teets of 116 E. Elm St. criticized Mayor Hollister's Police and Community Relations Action Plan, calling it a "huge disappointment" which does not address the issues of the March for Justice. He stated his objections to the proposed changes to Council Rule #19.

Darnell Oldham 3815 criticized Mayor Hollister's recommendations and commended Councilmember Beal for her accurate assessment of them. He commended Councilmember Jones for his comments on community policing officers. He asked if the police officer who refused to take the complaints of Mr. Porter, Lieutenant Mezzano, received any disciplinary action, and what has been done about the complaint of the two young men who were harassed in September?

Reverend Lester D. Stone of 1603 W. Kalamazoo, Pastor of Friendship Baptist Church, said that the efforts of the March for Justice have gotten many calls from white people asking for help with their issues and concerns. He counseled City Councilmembers not to become defensive when black persons use the word "racism", rather, to try to understand why it is being used.

Andrew Brody of 1114 Glenn said that he has heard of many instances wherein individuals have been killed by police officers, yet not one of the Officers were punished for the killing. It is always called justifiable homicide. He described Mayor Hollister's recommendations as "weak" and "Watered down" recommendations that are not going to stop them from marching. They will not stop until their demands are met. They want a Citizens Review Board like the one operated by the State of New York.

Tracy Hampton of W. Shiawassee stated her concern over the Mayor's recommendations and her opposition to the proposed change in Council rules. She said that she wants a certification of the City Attorney's report on Police Department processes and disciplinary actions.

Russell Terry of 121 E. Mt. Hope spoke in opposition to the General Motors Tax Exemption.

Dick Fiser of 12100 S. Cork in Morrice, MI thanked Chad Gamble of the Public Service Department for notifying the 21 residents on Aurelius Rd. that they are exempt from the Stormwater Enterprise Fund fees.

Helen Fiser of 12100 S. Cork in Morrice, MI asked Councilmember Novak for his help to document the 1.65 billion gallons of raw sewage that the City of Lansing dumps into the Grand River.

Connie Delaney of 3721 Aurelius Rd. congratulated Councilmember Lilly on his appearance on the Radio talk show today. She thanked Councilmembers Allen and Jones for their support and wished everyone a good holiday.

Clyde Smith of 2244 Tecumseh River Dr. said that Mayor Hollister's recommendations serve as good building blocks upon which to build. The Mayor has arranged it so that he will get the credit for the resolution of this issue because he made the recommendations that provide the building blocks. Council will modify them, of course. He stated his objections to the proposed change to Council Rule #19.

Robert Ovalla of 110 Eastpointe Lane in E. Lansing said that Mayor Hollister should be in Council Chambers throughout the entire Council meeting. There are a lot of angry children out there who do not respect the police, or their parents. He sympathized with anyone who has had a relative or loved one unjustly killed by the Police Department.

Robert Bennett of 222 W. Oakland said that L-HOP is nothing more than a carrot. He opposes this program and believes that the City should require residency of all of it's employees. He urged Council not to mess with the Community Policing Program. The North Side Police Precinct is needed. It should be put in their neighborhood somewhere and given space. The Police are going out to Neighborhood Watch Meetings and explaining what will happen if people leave their cars running in their

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driveways.

COUNCILMEMBERS COMMENTS

Councilmember Beal responded to comments in favor of a residency requirement by saying, Council would love to require residency of City Employees, however, it is a violation of State Law to require it of people in unions because it is a function of collective bargaining. She spoke regarding a proposal that Council has made to the Public Services Department in which people coming to City Hall to take care of official City Business could have their parking stubs validated. She explained that City Council cannot require the Mayor to stay throughout it's meetings. There is and must remain a clear delineation between the executive and legislative branch of the City. She announced the cancellation of the regularly scheduled Ways and Means Committee meeting this Wednesday. They will meet prior to the Council Meeting next Monday, instead.

Councilmember Lilly said that every single issue that Council deals with, or takes a vote on, is a people issue. There are people behind every single action they take. For instance, the Lot Split that Council passed tonight was at the request of a woman trying to sell some property. These people often want to come down and address Council about their issues, but they do not because of large groups who have overwhelmed the public speaking time by placing a letter on the agenda so they can promote a cause.

Councilmember Novak apologized for his late arrival at tonight's meeting. He was at his Daughter's First Grade Christmas Pageant at Holy Cross School.

Councilmember Leeman commented that Council sat and listened through over 2 hours of public comment tonight. He will submit a written report on his trip to the National League of Cities Convention at next week's meeting.

Councilmember Bauer sent condolences to Janice Lawson, who lost her Father on Sunday.

Council President Jones recommended the City of San Antonio, TX as a vacation spot. The people are very friendly and hospitable. He announced that Oldsmobile Park will be open for Ice Skating shortly after Christmas.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener reminded everyone that applications for Neighborhood Grants are available at all Community Centers, City Hall, and the South Side Police Precinct and urged everyone to take advantage of this $90,000 program. The deadline for applications is February 17, 1997 at 4:00 P.M. No late applications will be accepted. The Mayor's Office is available to help people fill their applications out, if necessary.

He noted that Mayor Hollister distributed a summary of complaint activities from 1991 to 1996 and documentation from the Human Relations Departments showing a complaint history back to 1977.

With regard to the comments about deaths at the City Jail, many of the recommendations of the Report on the Edward Swans death have been developed and implemented already, however, not all of the matters discussed here are of the Lansing Police Department. They include issues belonging to the State Police, East Lansing Police Department and the Lansing Township Police Department. Personnel records show that 18% of new hires are African Americans, 6% are Hispanic and the remainder are other minorities, or women.

The two young men who complained about an incident of harassment have met with representatives from the Mayor's Office and the Administration has offered to work with them on their complaint. All the two youths have to do is state their willingness to proceed, which they have not yet done.

The Porter case is being investigated by the Human Relations Department.

Because the Mayor's Report is brief does not mean that it is not substantive. They charged the Board of Police Commissioners to study the Police Departments policies and procedures with regard to citizens contacts. The meetings of this Board are open to the public and they will have this issue on their agenda very soon. The public is welcome to attend. These are starting points that the Mayor has proposed. They are looking forward to hearing the recommendations of the March for Justice and to the participation of everyone.

ADJOURNED 10:35 P.M.

MARILYNN SLADE, CITY CLERK

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LANSING, MICHIGAN

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL CITY OF LANSING PROCEEDINGS DECEMBER 23, 1996

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 P.M. by President Jones

PRESENT: Councilmembers . Allen, Beal, Benavides, Jones, Leeman, Lilly

ABSENT: Councilmembers Bauer, Novak

The Invocation was observed as a moment of silence and the Pledge of Allegiance was led by Councilmember Jones

APPROVAL OF MINUTES

By Councilmember Allen

To approve the Printed Council Proceedings of December 9, 1996

Carried unanimously

CONSIDERATION OF LATE ITEMS

By Councilmember Beal

To accept the following under suspension of the rules:

1. From Councilmember Beal; a Resolution approving transfer of funds

2. From Councilmember Beal; Appointment of Fred Tafel to the Capital Area Rail Council

3. From Councilmember Benavides: a resolution approving the distribution of unclaimed bicycles to the North Lansing Neighborhood Association

4. From Councilmember Benavides; a resolution approving the distribution of unclaimed bicycles to the Wonen's Associated with Prisoners Association

5. From Councilmember Allen; a letter from Alfreda Schmidt regarding the Pilot program for Trash Carts that will be operated in the First Ward

6. From Councilmember Allen; a Resolution approving the appointment of Donald Heck to the Building Board of Appeals and a motion that the Committee on Public Safety be discharged on this matter

7. From Councilmember Benavides; a Resolution approving Transfer of Class C Liquor License for FRATA, Inc.

8. From Councilmember Allen; a letter from United Paper Workers International Union regarding the need for a fence around the employee parking lot at the Wohlert Corporation

Carried unanimously

SPECIAL CEREMONIES

A. Presentation by the Lansing Fire Department honoring Fire Safety Poster Contest Winners

THIS ITEM WAS PULLED FROM THE AGENDA AT THE REQUEST OF THE COUNCIL PRESIDENT

PUBLIC COMMENT

Craig Jones of 3407 W. Mt. Hope spoke in support of the March for Justice and their request for a Citizens Review Board.

Raymond Martin of 4220 Brighton Dr. stated that he is a victim of injustice in the Work Place. He related a dispute that he has with the Meijer's Thrifty Acres Stores, his former employer.

Councilmember Lilly told Mr. Martin that City Council has no authority to help him with this situation. He suggested that he contact Mayor Hollister's Office and work through the Human Relations Department for help.

Frank Curtis "X", no address given, spoke regarding the racial injustices perpetrated against African Americans by the white man.

Robert Ovalla of 110 East Pointe Lane in E. Lansing spoke in support of the March for Justice.

Joan Webkamigod of 308 Rumsey said that it is

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time for good people to step forward and help end this brutality. She reported that another Young, American Indian was beaten by the Police just last week.

Jackie Woodcox of 3629 Lochmoor spoke in support of the March for Justice. She stated that she has organized three Neighborhood Watch groups in her neighborhood because she wants to be a part of the solution to this problem.

Virginia Bozek of 419 Clarendon Rd., E. Lansing spoke regarding the failure of LPD to utilize non lethal weaponry. She criticized the "lack of a solid complaint procedure" at LPD.

Rashid Muhammed of 5718 Coulson Ct. said that he has been watching Council meetings. He said that all of the Police Departments in America are in a bad way. There are times when it was legal for them to gun down a black man like he was a dog. They have been living with this history in America for over 300 years, but they are putting an end to that practice now. They will not put up with it anymore. They know the history of the white demonic devils that they are dealing with.

Lewis Bozek of 419 Clarendon Rd. in E. Lansing said that the Board of Police Commissioners do not fulfill their responsibilities to the Police Department, or to the community.

Lloyd Teets of 116 E. Elm St. said that the Officers of the LPD are not properly trained. Edward Swan should have been taken to hospital not to the City Jail. He supports the concept of a Citizens Review Board.

Lester Stone of 1603 W. Kalamazoo, Pastor of the Friendship Baptist Church, said that he hopes Council will continue to allow public comments at the beginning of their meetings. The racism in the LPD is systemic, he said. Changing Council rules at this time would send a bad message to the people. He wants the change that they have marched for to be addressed in a fundamental, basic way that will ensure change. The City needs to address the fundamental problems of law enforcement in Lansing. He characterized Mayor Hollister's recommendations as 'superficial'.

Peter Bunton of 3311 Brisbane read a definition of racism.

COMMUNICATIONS AND PETITIONS

By Councilmember Allen

That Communications and Petitions be considered as being read in full and that the proper referrals be made by President Jones

Carried unanimously

A. Letter from Jeffrey P. Bacon of 1800 Illinois Ave. requesting that the City construct a fence around his property which borders Porter Park

REFERRED TO THE MAYOR

B. Letter from Christine Timmon regarding the drug problem among youth

RECEIVED AND PLACED ON FILE

C. Letter from Helen M. Fiser regarding the denial of a FOIA request that she submitted on November 24, 1996

REFERRED TO THE CITY ATTORNEY

D. Notice from the State of Michigan Department of Consumer & Industry Services of the Closing of Pych. Family Care Adult Foster Care Family Home licensed to Sandra Pych at 745 Wisconsin

REFERRED TO THE MAYOR

E. Letter from the State of Michigan Department of Treasury regarding Accounting for Emergency Telephone Service Enabling Act Assets, Liabilities, Revenues and Expenditures

REFERRED TO THE MAYOR AND THE INTERNAL AUDITOR

F. Letter from Reverend Lester D. Stone, Pastor of Friendship Baptist Church requesting that he be allowed to address Councilmembers regarding the issue of racism in the Lansing Police Department

REFERRED TO THE COMMITTEE OF THE WHOLE

G. Notice of Intent to Collect 100% 1997 Summer Tax Collection from Ingham Intermediate School District

REFERRED TO THE MAYOR

H. Notice of Summer Tax Collection from Holt Public School District

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REFERRED TO THE MAYOR

MAYOR'S COMMENTS

Mayor Hollister'S Executive Assistant announced the availability of applications for the Neighborhood Grant Program, and wished Happy Holidays to everyone.

CITY OFFICER AND BOARD REPORTS

A. Letters from City Clerk submitting routine applications for consideration of licenses and bonds:

1. REFERRALS:

-Transfer Class C & Request New Dance-Entertainment Permit FRATA, Inc., 6801 S. Cedar St.

HANDLED AS RESOLUTION #607

-Transfer Class C, Lynnes Management Co. LLC, 1115 S. Washington Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

B. Information-only Items from the City Clerk:

1. Letter from the City Clerk notifying Councilmembers of the receipt of minutes from City Board and Authorities

RECEIVED AND PLACED ON FILE

C. Letters from Councilmember Harold Leeman re:

1. Report on National League of Cities Annual Conference in San Antonio, TX December 7-10, 1996

RECEIVED AND PLACED ON FILE

2. Report of the Groundwater Management Board/Groundwater Technical Advisory Council of the Tri-County Regional Planning Commission

RECEIVED AND PLACED ON FILE

D. Letter from the Board of Water & Light requesting a Resolution Approving the Grant of an Easement to Michigan Bell Telephone Company, DBA Ameritech (#96-12-2)

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

E. Letters from the Mayor re:

1/ Transfer of Funds: Public Service Dept., Human Relations and Community Service Dept.

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

2/ Notice from Doug Rothwell Director of the Michigan Jobs Commission of Renaissance Zone Award

RECEIVED AND PLACED ON FILE

3/ Z-15-96, Colonial Townehouses Cooperative & 3818 Pleasant Grove

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

4/ Z-16-96, SW Corner M.L. King, Jr. Blvd. and Jolly Rd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

5/ ACT-21-96, Acquisition of Property for the Rivertrail Four Parcels Located 1900 Block Kaplan, 1500 Block Roosevelt Ave., 100 Block W. Elm St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

6/ Letter of Appreciation from Mike and Carol Saunders to the Lansing Police Department

COMMITTEE REPORTS

RESOLUTION #582

REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred a request for Community Use Funds from the Boys and Girls Club for their Capital Campaign Kick-off at the Lansing Center on January 22, 1997,

REPORTS AS FOLLOWS: The Committee examined the application as submitted but could find no dollar amount requested. Additional information is required. Since the Boys and Girls Club's Capital Campaign is a fund-raiser for which the City has already pledged a match of up to $1.42 million, the Committee recommends that any financial assistance toward the kick-off event come from the match account. The request is hereby referred to the Committee on Ways and

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Means for further investigation, with a positive recommendation from the Committee on General Services. This report is for information only, and no Council action is required at this time.

Signed: Tony Benavides, Chair
Joan Bauer, Vice Chair
Rick Lilly

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received and referred to the Committee on Ways and Means.

CARRIED UNANIMOUSLY

RESOLUTION #583
REPORT OF COMMITTEE

THE COMMITTEE ON GENERAL SERVICES, to whom was referred a request for Community Use Funds from the Lansing Art Gallery for a Flower and Garden Show at the Lansing Center on April 4, 5 an 6, 1997,

REPORTS AS FOLLOWS: The Committee examined the application as submitted but could find to dollar amount requested. Additional information is required. The Art Gallery's event is a major fund-raiser, and admission will be charged. Under the Community Use Policy adopted by Council on April 24, 1995, events open to the public for which an admission is charged shall not be eligible for discounted rates, and sponsors shall be responsible for normal rates for commercial events. The request is hereby referred to the Mayor for further investigation regarding the admission charge. This report is for information only, and no Council action is required at this time.

Signed: Tony Benavides, Chair
Joan Bauer, Vice Chair
Rick Lilly

BY COUNCILMEMBER BENAVIDES:

That the report of the Committee be received and referred to the Mayor.

CARRIED UNANIMOUSLY

RESOLUTION #584
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred the ordinance to amend the Codified Ordinances of the City of Lansing by adding a new Chapter 1612 for the purpose of recovering costs of emergency responses to hazardous materials incidents,

REPORTS AS FOLLOWS: The Committee recommends that the ordinance be passed as introduced.

Signed: Sandy Allen, Chair
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTION #585
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY, to whom was referred proposed orders to make safe or demolish unsafe and dangerous structures located at 326 West Willow and 1031 Clear,

REPORTS AS FOLLOWS: Subsequent to the public hearing on the proposed orders on these properties, the Committee learned from the Manager of Code Compliance that the structures at both addresses have been brought up to Code by their owners. No further action is necessary.

Signed: Sandy Allen
Harold Leeman
Ellen Beal

BY COUNCILMEMBER ALLEN:

That the report of the Committee be received.

CARRIED UNANIMOUSLY

RESOLUTIONS

RESOLUTION #586
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded an application for a Fireworks Display Permit, which has been routinely processed without objection and is ready for final action by this Council; and

WHEREAS, the Committee on General Services recommends that the license be approved;

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NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following application:

FIREWORKS DISPLAY PERMIT

Larry J. Holley, at Midnight on December 31, 1996, at the Ranney Park parking lot, as part of Fest Eve activities

By Councilmember Beal

Carried unanimously

RESOLUTION #587
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Committee on General Services has reviewed a request for payment of Lansing Center costs from the Mayor's Office for Fest Eve activities, to he held December 31, 1996; and

WHEREAS, the Committee has recommended that funds in the amount of $2,245.00 be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a charge in the amount of $2,245.00 to account #101-173901-741200-0 for Lansing Center costs of Fest Eve, to he held December 31, 1996.

By Councilmember Beal

Carried unanimously

RESOLUTION #588
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Committee on General Services has reviewed a request for payment of Lansing Center costs from the Human Relations and Community Services Department for a Human Services Summit on Welfare Reform, to be held May 13, 1997; and

WHEREAS, the Committee has recommended that funds in the amount of $4,000.00 be approved;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves a charge in the amount of $4,000.00 to account #101-173901-741200-0 for Lansing Center costs of a Human Services Summit on Welfare Reform, to be held May 13, 1997; and

BE IT FURTHER RESOLVED the Mayor is requested to add the Lansing Center cost of this recurring event to the budget of the Human Relations and Community Services Department for FY 98 and future years..

By Councilmember Beal

Carried unanimously

RESOLUTION #589
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Clerk has forwarded a schedule for City Council regular meetings for the first six months of 1997; and

WHEREAS, the Committee on General Services has reviewed the schedule and recommends approval;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the following schedule for City Council regular meetings for the first six months of 1997:

Monday January 6
Monday January 13
Tuesday January 21 (M.L. King Birthday)
Monday January 27
Monday February 3
Monday February 10
Monday February 17
Monday February 24
Monday March 3
Monday March 10
Monday March 17
Monday March 24
Monday March 31 (Town Hall)
Monday April 7
Monday April 14
Monday April 21
Monday April 28.
Monday May 5
Monday May 12
Monday May 19
Tuesday May 27 (Memorial Day)
Monday June 2
Monday June 9
Monday June 16
Monday June 23
Monday June 30 (Town Hall)
By Councilmember Beal

Carried unanimously

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PULLED FROM THE AGENDA AT THE REQUEST OF COUNCILMEMBER LILLY

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Councilmember Lilly has recommended changes to Council Rule #19, regarding public comment at Council meetings, to limit such comment early in each meeting to legislative matters intended to be debated and voted upon during the same meeting, and to move other comment from and dialogue with the audience to the point in the meeting immediately following Council action on legislative matters; and

WHEREAS, the Committee on General Services has prepared amendments to accomplish this objective, and further recommends that the time limit of five minutes per speaker be changed to three minutes for comment on legislative matters scheduled for action, and that the time limit of three minutes per speaker be changed to five minutes for citizen comment on city-related matters; and

WHEREAS, the Committee further recommends that Rule #16, regarding the order of ouncil business, be amended to remain consistent with the changes to Rule #19;

WHEREAS, such amendments were introduced by resolution adopted December 9, 1996;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby approves the attached amendments to Rule #16 and Rule #19 of the City Council Rules, to be effective January 1, 1997.

ATTACHMENT

Rule 16. Order of Business. The order of business of the City Council shall be on a printed agenda prepared by the City Clerk. The order of business for Council meetings on the first, second, third, and fourth Mondays shall be as follows:

1. Roll call
2. Invocation and Pledge of Allegiance
3. Reading and approval of printed Council Proceedings
4. Motion to suspend Rule 11 for consideration of late items
5. Special ceremonies, if any
6. Scheduled public hearings
7. Public comment on ~~agenda items~~ LEGISLATIVE MATTERS (COMMITTEE REPORTS, RESOLUTIONS AND ORDINANCES) SCHEDULED FOR ACTION (3) MINUTE LIMIT PER SPEAKER)
8. Receipt of Communications and Petitions for information or referral
9. Mayor (or Executive Assistant) reports or proposals
10. City Officer and Board Reports for information; OR referral; ~~or action~~
11. Receipt of Committee Reports
12. Consent Matters
13. Resolutions for action
14. Ordinances for introduction and setting of public hearing
15. Ordinances for passage
16. Consideration of late items, if any
17. Tabled items, if any
18. Motion of excused absence
19. Citizen comment on city government-related matters (~~3~~ 5 minute limit per speaker)
20. Councilmember comments
21. Mayor (or Executive Assistant) response to citizens, or Councilmembers' questions
22. Adjournment

The order of business on the fifth Monday shall be as follows:

1. Roll Call
2. Invocations and Pledge of Allegiance
3. Reading and approval of printed Council Proceedings
4. Receipt of Communications and Petitions for referral
5. City Officer and Board Reports for referral
6. Public comment on routine LEGISLATIVE matters
7. Routine LEGISLATIVE matters for action (if necessary)
8. Town Meeting Round Table Discussion
9. Motions of excused absence
10. Mayor (or Executive Assistant) reports or proposals
11. Citizen comments on city government-related matters (-3 5 minute time limit)
12. Councilmember comments
13. Mayor's (or Executive Assistant's) response to citizens, or Councilmembers' questions
14. Adjournment

Rule 19. Rules of Decorum for Meetings; Address by Persons. The presiding officer shall conduct Council meetings in an orderly manner. Members of Council and others in attendance

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shall obey directions of the presiding officer. Citizens attending Council meetings may have up to three opportunities to address Council. Speakers are requested to print their names and addresses on registration sheets to assist in the accuracy of the Council proceedings. Extensions of speaker time limits are permissible at the discretion of the Council.

Opportunities to address Council are:

(1) Public hearings. Scheduled public hearings are held on specific legislative matters under consideration by Council. A 5minute time limit is imposed per speaker.

(2) Comment on ~~agenda items~~ LEGISLATIVE MATTERS SCHEDULED FOR ACTION. Citizens may present facts and opinions on LEGISLATIVE matters (COMMITTEE REPORTS, RESOLUTIONS AND ORDINANCES) listed on the Council agenda and on SUCH late ~~items~~ LEGISLATIVE MATTERS AS MAY BE ~~approved for consideration~~ ADDED TO THE AGENDA. Each speaker is limited to ~~five~~ THREE minutes total. Citizen comment during town hall round table discussions at fifth Monday meetings shall be at the direction of the presiding officer.

(3) Comment on city matters. Citizens may speak on any city government-related matter. Each speaker is limited to ~~three~~ FIVE minutes total. The presiding officer may rule any speaker out of order for failing to speak on city government-related matters.

Disruptive conduct shall not be permitted. Members of the audience may applaud the remarks of any speaker.

RESOLUTION #590
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a petition from Simon Mekhayel of 2119 Colvin Court, to prohibit parking between the hours of 8:00 AM and 6:00 PM on both sides of Colvin Court from Riley Street north to the cul-de-sac, including the cul-de-sac. The petition was signed by six residents of Colvin Court representing each of the six households on Colvin Court. Mr. Mekhayel forwarded this petition because customers and employees of Ramont Auto Sales are continually parking on Colvin Court rather than Ramont Auto Sales;

WHEREAS, the request was referred to the Traffic Board;

WHEREAS, the Transportation Division staff conducted a study of the roadway conditions and parking activities;

WHEREAS, pursuant to Section 2.53(2) of the Lansing Code of Ordinances the Transportation Engineer on June 12, 1996, enacted a temporary traffic control order to prohibit parking between the hours of 8:00 AM and 6:00 PM on both sides of Colvin Court from Riley Street north to the cul-de-sac, including the cul-de-sac;

WHEREAS, site visits to the area and discussions with Mr. Mekhayel have confirmed that the temporary parking regulations are effective in discouraging customers and employees of Ramont Auto Sales from parking on Colvin Court;

WHEREAS, based upon the Transportation Division's study, the Traffic Board concurs with the recommendation of the Transportation Division to make permanent the temporary parking regulations;

WHEREAS, the approved minutes for the Traffic Board containing the Traffic Board's recommendation for this matter are on file with the City Clerk's office;

WHEREAS, the Mayor concurs with the recommendation of the Traffic Board;

WHEREAS, the Committee on Public Safety reviewed the report and concurs with the recommendation of the Traffic Board;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council approves Traffic Control Order No. 96-055, thereby authorizing the Transportation Engineer to prohibit parking between the hours of 8:00 AM and 6:00 PM on both sides of Colvin Court from Riley Street north to the cul-de-sac, including the cul-de-sac;

BE IT FINALLY RESOLVED that Traffic Control Order No. 96-055 shall become effective when signed by the Transportation Engineer and filed with the City Clerk.

By Councilmember Allen

Carried unanimously

RESOLUTION #591
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Transportation Division received a request from Shawn Detloff of Advance Glove, to prohibit parking across from their driveway on the south side of Terminal Drive. Ms. Detloff

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MADE THIS REQUEST BECAUSE DELIVERY TRUCKS ARE CONTINUALLY TRACKING ACROSS THEIR LAWN WHEN VEHICLES ARE PARKED ON THE SOUTH SIDE OF TERMINAL DRIVE ACROSS FROM ADVANCE GLOVE;

WHEREAS, THE REQUEST WAS REFERRED TO THE TRAFFIC BOARD;

WHEREAS, THE TRANSPORTATION DIVISION STAFF CONDUCTED A STUDY OF THE ROADWAY CONDITIONS AND PARKING ACTIVITIES;

WHEREAS, PURSUANT TO SECTION 2.53(2) OF THE LANSING CODE OF ORDINANCES THE TRANSPORTATION ENGINEER ON JULY 16, 1996, ENACTED A TEMPORARY TRAFFIC CONTROL ORDER TO PROHIBIT PARKING ON THE SOUTH SIDE OF TERMINAL DRIVE FROM 170 FEET EAST OF M. L. KING JR. BOULEVARD TO 280 FEET EAST OF M. L. KING JR. BOULEVARD;

WHEREAS, SITE VISITS TO THE AREA AND DISCUSSIONS WITH MS. DETLOFF, HAVE CONFIRMED THAT THE TEMPORARY PARKING REGULATIONS ARE EFFECTIVE IN PROVIDING ACCESSIBILITY TO THE DRIVEWAY WITHOUT REQUIRING DELIVERY TRUCKS TO TRACK ACROSS THEIR LAWN;

WHEREAS, BASED UPON THE TRANSPORTATION DIVISION'S STUDY, THE TRAFFIC BOARD CONCURS WITH THE RECOMMENDATION OF THE TRANSPORTATION DIVISION TO MAKE PERMANENT THE TEMPORARY PARKING REGULATIONS;

WHEREAS, THE APPROVED MINUTES FOR THE TRAFFIC BOARD CONTAINING THE TRAFFIC BOARD'S RECOMMENDATION FOR THIS MATTER ARE ON FILE WITH THE CITY CLERK'S OFFICE;

WHEREAS, THE MAYOR CONCURS WITH THE RECOMMENDATION OF THE TRAFFIC BOARD;

WHEREAS, THE COMMITTEE ON PUBLIC SAFETY REVIEWED THE REPORT AND CONCURS WITH THE RECOMMENDATION OF THE TRAFFIC BOARD;

NOW, THEREFORE, BE IT RESOLVED, THAT THE LANSING CITY COUNCIL APPROVES TRAFFIC CONTROL ORDER NO. 96-056, THEREBY AUTHORIZING THE TRANSPORTATION ENGINEER TO PROHIBIT PARKING ON THE SOUTH SIDE OF TERMINAL DRIVE FROM 170 FEET EAST OF M. L. KING JR. BOULEVARD TO 280 FEET EAST OF M. L. KING JR. BOULEVARD;

BE IT FURTHER RESOLVED, THAT THE EXISTING PARKING REGULATIONS ARE DOCUMENTED ON TRAFFIC CONTROL ORDER NO. 96-056 SUPPORTING THE HISTORICAL PARKING REGULATIONS;

BE IT FINALLY RESOLVED THAT TRAFFIC CONTROL ORDER NO. 96-056 SHALL BECOME EFFECTIVE WHEN SIGNED BY THE TRANSPORTATION ENGINEER AND FILED WITH THE CITY CLERK.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #592
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE TRANSPORTATION DIVISION RECEIVED A REQUEST FROM RICHARD M. DISBROW OF JACKSON NATIONAL LIFE TO INVESTIGATE INTERSECTION OPERATIONS AT THE INTERSECTION OF ANDREW JACKSON BOULEVARD AND EXECUTIVE DRIVE. MR. DISBROW MADE THIS REQUEST BECAUSE HE IS CONCERNED ABOUT THE SAFETY OF EMPLOYEES/PEDESTRIANS THAT CROSS EXECUTIVE DRIVE AT THE INTERSECTION OF ANDREW JACKSON BOULEVARD;

WHEREAS, THE REQUEST WAS REFERRED TO THE TRAFFIC BOARD;

WHEREAS, THE TRANSPORTATION DIVISION STAFF CONDUCTED A STUDY OF THE ROADWAY CONDITIONS AND PARKING ACTIVITIES;

WHEREAS, THE TRANSPORTATION DIVISION RECOMMENDED TO INSTALL A STOP SIGN ON ANDREW JACKSON AT THE INTERSECTION OF EXECUTIVE DRIVE BECAUSE OF THE LOW SAFE APPROACH SPEED;

WHEREAS, THE TRAFFIC BOARD CONCURS WITH THE RECOMMENDATION OF THE TRANSPORTATION DIVISION;

WHEREAS, THE APPROVED MINUTES FOR THE TRAFFIC BOARD CONTAINING THE TRAFFIC BOARD'S RECOMMENDATION FOR THIS MATTER ARE ON FILE WITH THE CITY CLERK'S OFFICE;

WHEREAS, THE MAYOR CONCURS WITH THE RECOMMENDATION OF THE TRAFFIC BOARD;

WHEREAS, THE COMMITTEE ON PUBLIC SAFETY REVIEWED THE REPORT AND CONCURS WITH THE RECOMMENDATION OF THE TRAFFIC BOARD;

NOW, THEREFORE, BE IT RESOLVED, THAT THE LANSING CITY COUNCIL APPROVES TRAFFIC CONTROL ORDER NO. 96-057, THEREBY AUTHORIZING THE TRANSPORTATION ENGINEER TO INSTALL A STOP SIGN ON ANDREW JACKSON BOULEVARD AT THE INTERSECTION OF EXECUTIVE DRIVE;

BE IT FINALLY RESOLVED THAT TRAFFIC CONTROL

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Order No. 96-057 shall become effective when signed by the Transportation Engineer and filed with the City Clerk and the appropriate sign is installed.

By Councilmember Allen

Carried unanimously

RESOLUTION #593
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

322 Bingham Street, parcel no. 3301-15-332-141-7, legally described as: *N* 3 ½ R of E 6 R Lot 9 Block 14 Green Oak Add

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 25, 1995, at which the Hearing officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 9, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (December 23, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #594
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

1225 Clark Street, parcel no. 3301-10-401-151-0, legally described as: Lot 31 Otto S Add

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 25, 1996, at which the Hearing officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take

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appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 9, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (December 23, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing officers, order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class I mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #595
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

1429 Turner Street, parcel no. 3301-09-252-181-7, legally described as: Com 12.5 ft N of SE Cor Lot 4 Block 9, th W 165 ft, S 41 ft, E 165 ft, N 41 ft to Beg; Sec 9 & Block 9 Orig Plat

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 25, 1996, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 9, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (December 23, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers' order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner

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IN ALL RESPECTS AS PROVIDED BY LAW FOR THE COLLECTION OF TAXES IN THE CAITIFF LANSING.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #596
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CODE COMPLIANCE MANAGER OF THE LANSING PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THE BUILDING LOCATED AT

2026 WILLIAM STREET, PARCEL NO. 3301-20-104-041-1, LEGALLY DESCRIBED AS: LOT 19 & W ½ LOT 20 RIVERCREST SUB

WAS AN UNSAFE OR DANGEROUS BUILDING AS DEFINED IN SECTION 1460.24 OF THE LANSING UNIFORM HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, A HEARING WAS HELD BY THE HEARING OFFICERS ON JULY 25, 1996, AT WHICH THE HEARING OFFICERS DETERMINED THAT SAID BUILDING WAS AN UNSAFE OR DANGEROUS BUILDING AND ORDERED THE BUILDING DEMOLISHED OR OTHERWISE MADE SAFE; AND

WHEREAS, SAID HEARING OFFICERS FILED A REPORT OF THEIR FINDINGS AND ORDER WITH THE CITY COUNCIL AND HAVE REQUESTED THE CITY COUNCIL TO TAKE APPROPRIATE ACTION UNDER THE HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, THE CITY COUNCIL SCHEDULED A HEARING ON DECEMBER 9, 1996, TO REVIEW THE FINDINGS AND ORDER OF THE HEARING OFFICERS AND THE OWNER(S) WERE NOTIFIED IN WRITING OF SAID HEARING AND HAD AN OPPORTUNITY TO APPEAR AND SHOW CAUSE WHY SAID BUILDING SHOULD NOT BE DEMOLISHED OR OTHERWISE MADE SAFE;

NOW, THEREFORE, BE IT RESOLVED THAT THE OWNER(S) ARE HEREBY DIRECTED TO COMPLY WITH THE ORDER OF THE HEARING OFFICERS TO DEMOLISH OR OTHERWISE MAKE SAFE THE SAID BUILDING WITHIN SIXTY (60) DAYS FROM THE DATE OF THIS RESOLUTION'S ADOPTION (DECEMBER 23, 1996); AND

BE IT FURTHER RESOLVED THAT SHOULD THE OWNER(S) FAIL TO SUBSTANTIALLY COMPLY WITH THE HEARING OFFICERS, ORDER FOR DEMOLITION OR OTHERWISE MAKE SAFE, THE MANAGER OF CODE COMPLIANCE IS HEREBY DIRECTED TO PROCEED WITH DEMOLITION OF SAID BUILDING; AND

BE IT FURTHER RESOLVED THAT THE COST OF SUCH DEMOLITION SHALL BE A LIEN AGAINST THE REAL PROPERTY AND SHALL BE REPORTED TO THE CITY ASSESSOR WHO SHALL ASSESS THE SAME AGAINST THE PROPERTY UPON WHICH THE BUILDING IS PRESENTLY LOCATED; AND

BE IT FINALLY RESOLVED THAT THE OWNER IN WHOSE NAME THE PROPERTY APPEARS UPON THE LAST LOCAL TAX ASSESSMENT RECORD SHALL BE NOTIFIED OF THE AMOUNT OF SUCH COST BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE RECORDS. UPON HIS FAILURE TO PAY THE SAME WITHIN THIRTY (30) DAYS AFTER MAILING BY THE CITY ASSESSOR OF THE NOTICE OF THE AMOUNT THEREOF, THE ASSESSOR SHALL ADD THE SAME TO THE NEXT TAX ROLL OF THE CITY OF LANSING AND THE SAME SHALL BE COLLECTED IN THE SAME MANNER IN ALL RESPECTS AS PROVIDED BY LAW FOR THE COLLECTION OF TAXES IN THE CITY OF LANSING.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #597
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CODE COMPLIANCE MANAGER OF THE LANSING PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THE BUILDING LOCATED AT

723 E. PARK TERRACE, PARCEL NO. 3301-10-353-191-4, LEGALLY DESCRIBED AS: LOT 20 YOUNG, STABLER AND YOUNG S EAST PARK ADD

WAS AN UNSAFE OR DANGEROUS BUILDING AS DEFINED IN SECTION 1460.24 OF THE LANSING UNIFORM HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, A HEARING WAS HELD BY THE HEARING OFFICERS ON JULY 25, 1996, AT WHICH THE HEARING OFFICERS DETERMINED THAT SAID BUILDING WAS AN UNSAFE OR DANGEROUS BUILDING AND ORDERED THE BUILDING DEMOLISHED OR OTHERWISE MADE SAFE; AND

WHEREAS, SAID HEARING OFFICERS FILED A REPORT OF THEIR FINDINGS AND ORDER WITH THE CITY COUNCIL AND HAVE REQUESTED THE CITY COUNCIL TO TAKE APPROPRIATE ACTION UNDER THE HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, THE CITY COUNCIL SCHEDULED A HEARING ON DECEMBER 16, 1996, TO REVIEW THE FINDINGS AND ORDER OF THE HEARING OFFICERS AND THE OWNER(S) WERE NOTIFIED IN WRITING OF SAID HEARING AND HAD AN OPPORTUNITY TO APPEAR AND SHOW CAUSE

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WHY SAID BUILDING SHOULD NOT BE DEMOLISHED OR OTHERWISE MADE SAFE;

NOW, THEREFORE, BE IT RESOLVED THAT THE OWNER(S) ARE HEREBY DIRECTED TO COMPLY WITH THE ORDER OF THE HEARING OFFICERS TO DEMOLISH OR OTHERWISE MAKE SAFE THE SAID BUILDING WITHIN SIXTY (60) DAYS FROM THE DATE OF THIS RESOLUTION'S ADOPTION (DECEMBER 23, 1996); AND

BE IT FURTHER RESOLVED THAT SHOULD THE OWNER(S) FAIL TO SUBSTANTIALLY COMPLY WITH THE HEARING OFFICERS' ORDER FOR DEMOLITION OR OTHERWISE MAKE SAFE, THE MANAGER OF CODE COMPLIANCE IS HEREBY DIRECTED TO PROCEED WITH DEMOLITION OF SAID BUILDING; AND

BE IT FURTHER RESOLVED THAT THE COST OF SUCH DEMOLITION SHALL BE A LIEN AGAINST THEREAT PROPERTY AND SHALL BE REPORTED TO THE CITY ASSESSOR WHO SHALL ASSESS THE SAME AGAINST THE PROPERTY UPON WHICH THE BUILDING IS PRESENTLY LOCATED; ARID

BE IT FINALLY RESOLVED THAT THE OWNER IN WHOSE NAME THE PROPERTY APPEARS UPON THE LAST LOCAL TAX ASSESSMENT RECORD SHALL BE NOTIFIED OF THE AMOUNT OF SUCH COST BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE RECORDS. UPON HIS FAILURE TO PAY THE SAME WITHIN THIRTY (30) DAYS AFTER MAILING BY THE CITY ASSESSOR OF THE NOTICE OF THE AMOUNT THEREOF, THE ASSESSOR SHALL ADD THE SAME TO THE NEXT TAX ROLL OF THE CITY OF LANSING AND THE SAME SHALL BE COLLECTED IN THE SAME MANNER IN ALL RESPECTS AS PROVIDED BY LAW FOR THE COLLECTION OF TAXES IN THE CITY OF LANSING.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #598
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE CODE COMPLIANCE MANAGER OF THE LANSING PLANNING AND NEIGHBORHOOD DEVELOPMENT DEPARTMENT HAS DETERMINED THAT THE BUILDING LOCATED AT

1229 SHEPARD STREET, PARCEL NO. 3301-22-282-081-2, LEGALLY DESCRIBED AS: LOT 213 CITY PARK ADD

WAS AN UNSAFE OR DANGEROUS BUILDING AS DEFINED IN SECTION 1460.24 OF THE LANSING UNIFORM HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, A HEARING WAS HELD BY THE HEARING OFFICERS ON JULY 25, 1996, AT WHICH ,THE HEARING OFFICERS DETERMINED THAT SAID BUILDING WAS AN UNSAFE OR DANGEROUS BUILDING AND ORDERED THE BUILDING DEMOLISHED OR OTHERWISE MADE SAFE; AND

WHEREAS, SAID HEARING OFFICERS FILED A REPORT OF THEIR FINDINGS AND ORDER WITH THE CITY COUNCIL AND HAVE REQUESTED THE CITY COUNCIL TO TAKE APPROPRIATE ACTION UNDER THE HOUSING CODE AND THE HOUSING LAW OF MICHIGAN; AND

WHEREAS, THE CITY COUNCIL SCHEDULED A HEARING ON DECEMBER 16, 1996, TO REVIEW THE FINDINGS AND ORDER OF THE HEARING OFFICERS AND THE OWNER(S) WERE NOTIFIED IN WRITING OF SAID HEARING AND HAD AN OPPORTUNITY TO APPEAR AND SHOW CAUSE WHY SAID BUILDING SHOULD NOT BE DEMOLISHED OR OTHERWISE MADE SAFE;

NOW, THEREFORE, BE IT RESOLVED THAT THE OWNER(S) ARE HEREBY DIRECTED TO COMPLY WITH THE ORDER OF THE HEARING OFFICERS TO DEMOLISH OR OTHERWISE MAKE SAFE THE SAID BUILDING WITHIN SIXTY (60) DAYS FROM THE DATE OF THIS RESOLUTION'S ADOPTION (DECEMBER 23, 1996); AND

BE IT FURTHER RESOLVED THAT SHOULD THE OWNER(S) FAIL TO SUBSTANTIALLY COMPLY WITH THE HEARING OFFICERS, ORDER FOR DEMOLITION OR OTHERWISE MAKE SAFE, THE MANAGER OF CODE COMPLIANCE IS HEREBY DIRECTED TO PROCEED WITH DEMOLITION OF SAID BUILDING; AND

BE IT FURTHER RESOLVED THAT THE COST OF SUCH DEMOLITION SHALL BE A LIEN AGAINST THE REAL PROPERTY AND SHALL BE REPORTED TO THE CITY ASSESSOR WHO SHALL ASSESS THE SAME AGAINST THE PROPERTY UPON WHICH THE BUILDING IS PRESENTLY LOCATED; AND

BE IT FINALLY RESOLVED THAT THE OWNER IN WHOSE NAME THE PROPERTY APPEARS UPON THE LAST LOCAL TAX ASSESSMENT RECORD SHALL BE NOTIFIED OF THE AMOUNT OF SUCH COST BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE RECORDS. UPON HIS FAILURE TO PAY THE SAME WITHIN THIRTY (30) DAYS AFTER MAILING BY THE CITY ASSESSOR OF THE NOTICE OF THE AMOUNT THEREOF, THE ASSESSOR SHALL ADD THE SAME TO THE NEXT TAX ROLL OF THE CITY OF LANSING AND THE SAME SHALL BE COLLECTED IN THE SAME MANNER IN ALL RESPECTS AS PROVIDED BY LAW FOR THE COLLECTION OF TAXES IN THE CITY OF LANSING.

BY COUNCILMEMBER ALLEN

CARRIED UNANIMOUSLY

RESOLUTION #599
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF

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THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

1105 E. Oakland Ave., parcel no. 3301-10-330-141-0, legally described as: Lot 2 Block 2 Orchard Grove

was an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 25, 1996, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 16, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty (60) days from the date of this resolution's adoption (December 23, 1996); and

BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers, order for demolition or otherwise make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor who shall assess-t-he same against the property upon which the building is presently located; and

BE T FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the,,next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #600
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Code Compliance Manager of the Lansing Planning and Neighborhood Development Department has determined that the building located at

422 S. Butler St., parcel no. 3301-17-476-221-5, legally described as: S 22 Ft Lot 20 & N 12 Ft Lot 21 Block 9 Bush, Butler & Sparrow S Add

was a fire-damaged, unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan; and

WHEREAS, a hearing was held by the Hearing Officers on July 25, 1996, at which the Hearing Officers determined that said building was an unsafe or dangerous building and ordered the building demolished or otherwise made safe; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and have requested the City Council to take appropriate action under the Housing Code and the Housing Law of Michigan; and

WHEREAS, the City Council scheduled a hearing on December 9, 1996, to review the findings and order of the Hearing Officers and the owner(s) were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within fifteen (15) days from the date of this resolution's adoption (December 23, 1996); and

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BE IT FURTHER RESOLVED that should the owner(s) fail to substantially comply with the Hearing Officers, order for demolition or otherwise make safe, the .Manager of Code Compliance is hereby directed to proceed with demolition of said building; and

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien .against the real property and shall be reported to the City Assessor who shall assess the same against the property upon which the building is presently located; and

BE IT FINALLY RESOLVED that the owner in whose name the property appears upon the last local tax assessment record shall be notified of the amount of such cost by first class mail at the address shown on the records. Upon his failure to v pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the Assessor shall add the same to the next tax roll of the City of Lansing and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes in the City of Lansing.

By Councilmember Allen

Carried unanimously

RESOLUTION #601
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, the Mayor has appointed Robert B. Stebbins, 2807 Montego Drive, to fill a vacancy in an At-Large seat on the Traffic Board, for a term to expire June 30, 2000; and

WHEREAS, the Committee on Public Safety has interviewed the appointee and found him to be qualified to serve on this Board;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby confirms the appointment of Robert B. Stebbins to an At-Large seat on the Traffic Board, for a term to expire June 30, 2000.

By Councilmember Allen

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 5

NAYS: 1 (Councilmember Lilly dissenting)

By Councilmember Allen

That this ordinance, being necessary for the immediate preservation of the public peace, health, or, safety shall take effect upon it's passage

Carried unanimously

RESOLUTION #602
BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

That the following transfers be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$30,879	Fund Balance-Stadium Fund 234-0-390001-0	Operating Transfer-LEPFA 234-966000-991570-0

(Provide skating at Oldsmobile Park from December 25 through March 2.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$202,500	Est Rev-State and Fed Prog 273-0-170001-0	Michigan Ave. Street Scape 273-933601-974103-18823

(MDOT Grant for Street Scape improvements. City matching funds of $67,500, below. MDOT contract 96-5401. Revenue detail account 273-0-501001-18823.)

~~$67,500 from Fund Balance-Act 51 Major Streets 202-0-390001-0~~
~~$67,500 to Act 51 (Major) City Share 202-453001-974100-18825~~

~~Residual project funds of $57,011 lapsed from project close-outs in State & Federal Programs Fund to Act 51 Fund Balance. Source does not reduce amount of original Council appropriations for street maintenance. Balance available in fund balance due to slightly better than anticipated year end FY 96 results.)~~

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$5,000	Capital Area Community Services 101-833720-960169-0	
$25,000	VOA Homeless Program 101-833730-960183-0	
$30,000		Emergency Shelter Grant Match 101-833710-991264-0

(Funds budgeted for these agencies eligible and

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TO BE DIRECTED TO THE 1996 EMERGENCY SHELTER GRANT FOR LOCAL MATCH.)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$30,0000	ESTIMATED REVENUE-HOMELESS GRANT 264-0-170001-0	
$5,000		MISC. & OPER. EXPENSES 264-932666-741264-09600
$25,000		REHABILITATION 264-932666-961264-09600

(LOCAL MATCH FOR EMERGENCY SHELTER GRANT. REVENUE DETAIL ACCOUNT 264-0-696101-09600.)

~~$ 4,570 FROM CSO-FRINGE BENEFITS 593-453681-715000-61230~~
~~$ 170 FROM CSO-MISC. & OPER 593-453681-741000-61230~~
~~$ 16,009 FROM CSO-BOND ISSUE COSTS 593-453681-741855-61230~~
~~$ 20,170 FROM CSO-PROF SERV.-TREES 593-453681-743702-61230~~
~~$ 282,415 FROM CSO-DESIGN ELIGIBLE 593-453681-743707-61230~~
~~$ 41,735 FROM CSO-CAPITALIZED INTEREST 593-453681-973982-61230~~
~~$ 132,800 FROM CSO-CONTINGENCY 593-453681-992000-61230~~
~~$ 3,532 FROM CSO-SALARIES-ENGINEERING 593-453681-702018-61231~~
~~$ 1,000 FROM CSO-WAGES-ENGINEERING 593-453681-706018-61231~~
~~$ 342,854 FROM CSO-RESIDENT ENGINEERING 593-453681-743702-61231~~
~~$2,629,739 FROM CSO-SEWERS 593-453681-973000-61231~~
~~$3,475,000 TO OPERATING TRANS.-CSO 593-453683-991414-0~~
~~$3,475,000 FROM ESTIMATED REVENUES-593 FUND 414-0-170001-0~~
~~$ 4,570 TO CSO-FRINGE BENEFITS 414-453681-715000-61230~~
~~$ 170 TO CSO-MISC. & OPER 414-453681-741000-61230~~
~~$ 16,009 TO CSO-BOND ISSUE COSTS 414-453681-741855-61230~~
~~$ 20,170 TO CSO-PROF SERV.-TREES 414-453681-743702-61230~~
~~$ 282,415 TO CSO-DESIGN ELIGIBLE 414-453681-743707-61230~~
~~$ 41,735 TO CSO-CAPITALIZED INTEREST 414-453681-973982-61230~~
~~$ 132,800 TO CSO-CONTINGENCY 414-453681-992000-61230~~
~~$ 3,532 TO CSO-SALARIES-ENGINEERING 414-453681-702018-61231~~
~~$ 1,000 TO CSO-WAGES-ENGINEERING 414-453681-706018-61231~~
~~$ 342,854 TO CSO-RESIDENT ENGINEERING 414-453681-743702-61231~~
~~$2,629,739 TO CSO-SEWERS 414-453681-973000-61231~~

~~(SRF LOAN NUMBER 5005-7 FOR IJ PORTION OF CSO PROGRAM, ORIGINALLY APPROPRIATED TO "593" FUND. FUNDS BEING TRANSFERRED TO NEWLY CREATED "414" FUND TO SEPARATELY TRACK EXPENDITURES FROM OTHER SEWAGE FUND DEBT. EXISTING PURCHASE ORDERS TO BE AMENDED TO NEW ACCOUNTS UPON COMPLETION OF TRANSFER. REVENUE DETAIL ACCOUNT 414-0-991593-0.)~~

~~$3,279,050 FROM CSO-SEWERS 593-453682-974100-61231~~
~~$ 417,450 FROM CSO-LOCAL CONTRIBUTION-CHG ORDERS 593-453682-973001-61230~~
~~$ 450,000 FROM CSO-RESIDENT ENGINEERING 593-453482-743702-61231~~
~~$1,590,526 TO OPERATING TRANSFER-CSO 593-453683-991414-0~~
~~$1,277,987 TO OPERATING TRANSFER-STORMWATER 593-453683-991230-0~~
~~$1,277,987 TO OPERATING TRANSFER-WASTEWATER 593-453683-991590-0~~

~~(PHASE II, SEG. 3, PART 2 (IJ) OF THE CSO PROJECT WAS ORIGINALLY CASH FUNDED AS IT WAS UNCERTAIN THAT STATE REVOLVING LOAN FUNDS WOULD BE AVAILABLE. SUBSEQUENTLY, SUCH FUNDS BECAMX AVAILABLE. FUNDS ARE NOW BEING TRANSFERRED BACK TO SOURCES IN STORMWATER AND WASTEWATER FUNDS, AND TO THE NEWLY ESTABLISHED COMBINED SEWER OVERFLOW FUND, IN ORDER TO FUND SRF INELIGIBLE POTIONS OF THE PROJECT. SUBSEQUENT TO TRANSFER, EXISTING PURCHASE ORDERS WILL BE AMENDED TO THE NEW 414 FUND.)~~
~~$735,543 FROM ESTIMATED REVENUE-COMBINED SEWER OVERFLOW 414-0-170001-0~~

~~$ 1,200 TO CSO-FRINGE BENEFITS 414-453682-715000-61230~~
~~$ 500 TO CSO-MISC. & OPER 414-453682-741000-61230~~
~~$ 5,000 TO CSO-PROF SERV.-TREES 414-453682-743702-61230~~
~~$ 87,585 TO CSO-DESIGN INELIGIBLE 414-453682-743707-61230~~
~~$ 181,578 TO CSO-LOCAL CONTRIBUTION C.O. 414-453682-973982-61230~~
~~$ 1,000 TO CSO-SALARIES-ENGINEERING 414-453682-702018-61231~~
~~$ 250 TO CSO-WAGES-ENGINEERING 414-453682-706018-61231~~
~~$ 81,878 TO CSO-RESIDENT ENGINEERING 414-453682-743702-61231~~
~~$ 396,554 TO CSO-SEWERS 414-453682-~~

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~~973000-61231~~

~~(Revenue detail account 414-0-596593-0. Operating transfer for SRF ineligible portion of Phase II, Seg. 3, Part 1 of sewer separation project.)~~

~~$854,983 from Estimated Revenue-Combined Sewer Overflow 414-0-170001-0~~
~~$ 1,470 to CSO-Fringe Benefits 414-453682-715000-61235~~
~~$ 500 to CSO-Misc. & Oper 414-453682-741000-61235~~
~~$ 27,700 to CSO-Design Ineligible 414-453682-743707-61235~~
~~$ 224,087 to CSO-Local Contribution C.O. 414-453682-973982-61235~~
~~$ 2,000 to CSO-Salaries-Engineering 414-453682-702018-61236~~
~~$ 530 to CSO-Wages-Engineering 414-453682-708018-61236~~
~~$ 52,696 to CSO-Resident Engineering 414-453682-743702-61236~~
~~$ 545,940 to Sewers 414-453682-973000-61236~~

~~(Revenue detail account 414-0-596593-0. Operating transfer for ineligible portion of Phase II, Seg. 3, part 2 of sewer separation project.)~~

~~$1,277,987 from Estimated Revenue-Sewage Fund 590-0-170001-0~~
~~$1,277,987 to Sewage Fund-Fund Balance 590-0-390001-0~~

~~(Return of excess cash funding subsequent to approval of SRF loan 5005-08, and transfer of SRF ineligible funding to CSO Fund. Revenue detail account 590-0-696593.)~~

~~$1,277,987 from Estimated Revenue-Stormwater Fund 230-0-170001-0~~
~~$1,277,987 to Sewage Fund-Fund Balance 230-0-390001-0~~

~~(Return of excess cash funding subsequent to approval of SRF loan 5005-08, and transfer of SRF ineligible funding to CSO Fund. Revenue detail account 230-0-696593.)~~

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$58,520	Estimated Revenues 101-0-170001-0	
$8,845		Maintenance Equipment 101-343510-977000-0

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$11,465		Suppression Equipment 101-343520-977000-0
$16,400		HAZMAT Equipment 101-343525-977000-0
$7,412		Training Equipment 101-343540-977000-0
$4,557		Radio Lab Equipment 101-343550-977000-0
$9,571		Emergency Services Equipment 101-343580-977000-0

(Appropriation of bequest of Clara A. Midtgard for special equipment for Paramedic Service, Revenue account 101-0-675000-0)

AMOUNT TO TRANSFER	TRANSFER FROM ACCT #	TRANSFER TO ACCT #
$40,000	General Administration-Insurance & Bonds 101-173901-748000-0	General Administration-Control 101-173901-992200-0
$40,000	General Administration-Control 101-173901-992200-0	Central Garage-Control 101-173150-992200-0
$40,000	Central Garage-Control 101-173150-992200-0	Repair Parts-Fire 101-173152-746210-0

(Aerial ladder repairs on sole source procurement.)

By Councilmember Beal

To pull the transfers to ACT-51 Major Street Funding and the Transfers to Combined Sewer Overflow Project and to place an affirmative roll on the remaining transfers

Carried unanimously

RESOLUTION #603
BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, Ordinance #888 adopted July 11, 1994, allows for the disposition of bicycles which are deemed surplus by the Lansing Police Department; and

WHEREAS, by subsequent resolution the City Council defined the procedure for disposing of these bicycles to non-profit agencies within the City; and

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WHEREAS, THE CITY COUNCIL HAS RECEIVED REQUESTS FROM ADDITIONAL NON PROFIT AGENCIES, AND HAS ALSO RECEIVED LISTS FROM THE QUARTERMASTER UNIT IDENTIFYING SURPLUS BICYCLES; AND

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE DISTRIBUTION OF TEN BICYCLES DEEMED SURPLUS BY THE QUARTERMASTER UNIT OF THE LANSING POLICE DEPARTMENT IN THE COMMUNICATION DATED DECEMBER 18, 1996, TO NORTHTOWN NEIGHBORHOOD ASSOCIATION;

BE IT FURTHER RESOLVED ANY BICYCLES FROM THIS LIST THAT ARE NOT PICKED UP BY THE ELIGIBLE NON-PROFIT AGENCIES BY JANUARY 13, 1996, MAY BE DISPOSED OF BY THE QUARTERMASTER IN A MANNER CONSISTENT WITH STATE LAW AND THE CITY OF LANSING PURCHASING ORDINANCE.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #604
BY COUNCILMEMBER TONY BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, ORDINANCE #888 ADOPTED JULY 11, 1994, ALLOWS FOR THE DISPOSITION OF BICYCLES WHICH ARE DEEMED SURPLUS BY THE LANSING POLICE DEPARTMENT; AND

WHEREAS, BY SUBSEQUENT RESOLUTION THE CITY COUNCIL DEFINED THE PROCEDURE FOR DISPOSING OF THESE BICYCLES TO NON-PROFIT AGENCIES WITHIN THE CITY; AND

WHEREAS, THE CITY COUNCIL HAS RECEIVED REQUESTS FROM ADDITIONAL NON PROFIT AGENCIES, AND HAS ALSO RECEIVED LISTS FROM THE QUARTERMASTER UNIT IDENTIFYING SURPLUS BICYCLES; AND

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY APPROVES THE DISTRIBUTION OF EIGHT BICYCLES DEEMED SURPLUS BY THE QUARTERMASTER UNIT OF THE LANSING POLICE DEPARTMENT IN THE COMMUNICATION DATED DECEMBER 18, 1996, TO WOMEN ASSOCIATED WITH PRISONERS;

BE IT FURTHER RESOLVED ANY BICYCLES FROM THIS LIST THAT ARE NOT PICKED UP BY THE ELIGIBLE NON-PROFIT AGENCIES BY JANUARY 13, 1996, MAY BE DISPOSED OF BY THE QUARTERMASTER IN A MANNER CONSISTENT WITH STATE LAW AND THE CITY OF LANSING PURCHASING ORDINANCE.

BY COUNCILMEMBER BENAVIDES

CARRIED UNANIMOUSLY

RESOLUTION #605
BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, THE MAYOR HAS APPOINTED DONALD B. HECK, 833 SPARROW AVENUE, TO FILL A VACANCY ON THE BUILDING BOARD OF APPEALS, REPRESENTING PROFESSIONAL ENGINEERS, FOR A TERM TO EXPIRE JUNE 30, 1999; AND

WHEREAS, THE COMMITTEE ON PUBLIC SAFETY HAS INTERVIEWED THE APPOINTEE AND FOUND HIM QUALIFIED TO SERVE ON THIS BOARD;

NOW, THEREFORE, BE IT RESOLVED THE LANSING CITY COUNCIL HEREBY CONFIRMS THE MAYOR'S APPOINTMENT OF DONALD B. HECK TO THE BUILDING BOARD OF APPEALS, REPRESENTING PROFESSIONAL ENGINEERS, FOR A TERM TO EXPIRE JUNE 30, 1999.

BY COUNCILMEMBER ALLEN

TO DISCHARGE THE COMMITTEE ON PUBLIC SAFETY FROM CONSIDERATION OF THIS RESOLUTION, AND TO PLACE AN AFFIRMATIVE ROLL ON THE RESOLUTION APPOINTING MR. HECK TO THE BUILDING BOARD OF APPEALS

CARRIED UNANIMOUSLY

RESOLUTION #606
BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

WHEREAS, APPLICATIONS WERE SOUGHT FOR INDIVIDUALS INTERESTED IN SERVING ON THE CAPITAL AREA RAIL COUNCIL; AND

WHEREAS, IT WAS DETERMINED THAT THE COUNCIL PRESIDENT WOULD SELECT THE BEST CANDIDATE AFTER HIS REVIEW OF THE APPLICATIONS;

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL PRESIDENT IS RECOMMENDING COUNCIL CONFIRM THE APPOINTMENT OF MR. FRED TAFEL, OF 3621 KENDALWOOD DRIVE. TERM EXPIRES DECEMBER, 1997.

BY COUNCILMEMBER BEAL

CARRIED UNANIMOUSLY

RESOLUTION #607
BY COUNCILMEMBER BENAVIDES
RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LANSING

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WHEREAS, Frata, Inc. (Stockholders: David Fata of 920 London, Gerard D. Fata of 4731 Malpaso, and Nicholas J. Fata of 7962 West Saginaw, all in Delta Township, and Philip Fata of 3324 Snowglen in Lansing Township), has applied to the Michigan Liquor Control Commission to transfer ownership of a 1996 Class C licensed business, located at 6801 South Cedar, from Ivy's, Inc., and to add a new Dance-Entertainment Permit; and

WHEREAS, the City Clerk has reported that the application has been reviewed and approved by appropriate City staff; and

WHEREAS, the Chairperson of the Committee on General Services has reviewed this matter and recommends that the application be forwarded to the Commission with a positive recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Lansing City Council that the request from Frata, Inc., to transfer ownership of a 1996 Class C licensed business, located at 6801 South Cedar, from Ivy's, Inc., and to add a new Dance-Entertainment Permit, is hereby recommended for approval.

By Councilmember Benavides

Carried unanimously

ORDINANCES FOR PASSAGE

By Councilmember Allen

That we move to the passage of Ordinances

By Councilmember Allen

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SAFETY:

By Councilmember Allen

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 1612 for the Purpose of Providing for Hazardous Materials Costs Recovery
be placed on order of immediate passage

BY THE COMMITTEE ON PUBLIC SAFETY:

By Councilmember Allen

Resolved by the City Council of the City of Lansing that an Ordinance Amending the Code of Ordinances of the City of Lansing by Adding a New Chapter, Chapter 1612 for the Purpose of Providing for Hazardous Materials Costs Recovery, be now passed.

YEAS: Councilmembers Allen, Beal, Benavides, Jones, Lilly, Leeman

NAYS: None

ABSENT: Councilmembers Bauer, Novak

ORDINANCE #961
CHAPTER 1612 HAZARDOUS MATERIALS COSTS RECOVERY
AN ORDINANCE TO ADD CHAPTER 1612 TO THE CODE OF THE CITY OF LANSING TO PROVIDE HAZARDOUS MATERIALS COSTS RECOVERY.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 1612 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN, BE ADDED TO READ AS FOLLOWS:

1612.01 FINDINGS OF PURPOSE.

THE CITY OF LANSING FINDS THAT A SIGNIFICANT POTENTIAL EXISTS FOR RESPONSES TO INCIDENTS INVOLVING THE RELEASE OR THREATENED RELEASE OF HAZARDOUS MATERIALS. SUCH INCIDENTS CREATE A GREAT LIKELIHOOD OF PERSONAL INJURY OR PROPERTY DAMAGE. THE CONTROL AND ABATEMENT OF SUCH INCIDENTS PLACES A SIGNIFICANT FINANCIAL AND OPERATIONAL BURDEN UPON A CITY'S FIRE FIGHTING, RESCUE AND EMERGENCY MEDICAL SERVICES AND OTHER CITY RESOURCES. THE CITY FINDS THAT TI-HS CHAPTER IS NECESSARY TO ESTABLISH THE LIABILITY FOR SUCH INCIDENTS AND TO ESTABLISH A POLICY AND METHODS WHICH WILL ALLOW THE CITY TO SEEK RECOVERY OF CITY COSTS ASSOCIATED WITH EMERGENCY RESPONSES TO HAZARDOUS MATERIAL INCIDENTS.

SECTION 1612.02 DEFINITIONS.

UNLESS SPECIFICALLY DEFINED BELOW, WORDS OR PHRASES USED IN THIS CHAPTER SHALL BE INTERPRETED SO AS TO GIVE THEM THE MEANING THEY HAVE IN COMMON USAGE AND TO GIVE TI-HS SECTION ITS MOST REASONABLE APPLICATION:

(A) CITY SHALL MEAN THE CITY OF LANSING.

(B) COMPRESSED GAS SHALL MEAN ANY MATERIAL REGULATED AS A COMPRESSED GAS BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION THROUGH REGULATIONS FOUND IN 49 CFR 171.1, ET. SEQUENTIA, AND PARTICULARLY AT 49 CFR 173.115.

(C) CORROSIVE MATERIAL SHALL MEAN ANY

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MATERIAL REGULATED AS A CORROSIVE MATERIAL BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION THROUGH REGULATIONS FOUND IN 49 CFR 171.1, ET. SEQUENTIA, AND PARTICULARLY AT 49 CFR 173.176.

(D) EMERGENCY RESPONSE MEANS THE PROVIDING, SENDING AND/OR UTILIZING OF POLICE, FIRE FIGHTING, EMERGENCY MEDICAL AND RESCUE SERVICES BY THE CITY, OR BY A PRIVATE INDUSTRIAL ENTITY, CORPORATION OR OTHER ASSISTING GOVERNMENT AGENCY OPERATING AT THE REQUEST OR DIRECTION OF THE CITY OR STATE OF MICHIGAN, FOR AN INCIDENT RESULTING IN A HAZARDOUS MATERIALS RELEASE OR THREATENED RELEASE OR THE CLEAN-UP OR ABATEMENT OF SAME.

(E) EXPENSES OF AN EMERGENCY RESPONSE MEANS THE DIRECT AND REASONABLE COSTS INCURRED BY CITY OR BY A PRIVATE PERSON, CORPORATION OR OTHER ASSISTING GOVERNMENT AGENCY, WHICH IS OPERATING AT THE REQUEST OR DIRECTION OF THE CITY WHEN MAKING AN EMERGENCY RESPONSE TO THE HAZARDOUS MATERIALS INCIDENT, INCLUDING THE COSTS OF PROVIDING POLICE, FIRE FIGHTING, RESCUE SERVICES, EMERGENCY MEDICAL SERVICES, CONT NT, STORAGE, CLEAN-UP AND ABATEMENT OF ALL HAZARDOUS MATERIALS AND CONDITIONS AT THE SCENE OF THE INCIDENT. THE COSTS FURTHER INCLUDE ALL SALARIES, WAGES, OR FRINGE BENEFITS OF CITY PERSONNEL RESPONDING TO THE INCIDENT, SALARIES AND WAGES OF CITY PERSONNEL ENGAGED IN THE INVESTIGATION, SUPERVISION AND REPORT PREPARATION REGARDING THE INCIDENT, ALL SALARIES, WAGES OR FRINGE BENEFITS OF PERSONNEL OF ASSISTING GOVERNMENT AGENCIES OPERATING AT THE REQUEST OR DIRECTION OF THE CITY AND ALL COSTS CONNECTED WITH THE ADMINISTRATION OF THE INCIDENT RELATING TO ANY PROSECUTION OF PERSON(S) RESPONSIBLE INCLUDING THOSE RELATION TO THE PRODUCTION AND APPEARANCE OF WITNESSES AT ANY COURT PROCEEDINGS IN RELATION THERETO. COSTS SHALL ALSO INCLUDE SUCH ITEMS AS DISPOSABLE MATERIALS AND SUPPLIES USED DURING THE RESPONSE TO SAID INCIDENT, THE RENTAL OR LEASING OF EQUIPMENT WHICH IS CONTAMINATED BEYOND REUSE OR REPAIR DURING THE RESPONSE TO SAID INCIDENT, SPECIAL TECHNICAL SERVICES AND EQUIPMENT, LABORATORY COSTS AND EQUIPMENT, SERVICES AND FOOD AND RESTROOM SUPPLIES PURCHASED FOR ANY SPECIFIC EVACUATION RELATING TO THE INCIDENT. ADDITIONAL COSTS MAY INCLUDE DECONTAMINATION OF EQUIPMENT CONTAMINATED DURING THE RESPONSE; OTHER SPECIAL SERVICES REQUIRED FOR THE EMERGENCY RESPONSE; COSTS ASSOCIATED WITH THE SERVICES; MEDICAL EXPENSES INCURRED AS A RESULT OF RESPONSE ACTIVITIES; REPLACEMENT COSTS OF EQUIPMENT AND/OR APPARATUS; AND, LEGAL EXPENSES THAT MAY BE INCURRED AS A RESULT OF THE EMERGENCY RESPONSE, INCLUDING EFFORTS TO RECOVER EXPENSES PURSUANT TO THIS CHAPTER.

(F) EXPLOSIVE SHALL MEAN ANY MATERIAL REGULATED AS AN EXPLOSIVE BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION THROUGH REGULATIONS FOUND IN 49 CFR 171.1, ET. SEQUENTIA, AND PARTICULAR AT 49 CFR 173.50.

(G) FLAMMABLE LIQUID SHALL MEAN ANY MATERIAL REGULATED AS FLAMMABLE LIQUID BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION THROUGH REGULATIONS FOUND IN 49 CFR 171.1 ET. SEQUENTIA, AND PARTICULARLY AT 49 CFR 173.120..

(H) FLAMMABLE SOLID SHALL MEAN ANY MATERIAL REGULATED AS A FLAMMABLE SOLID BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION THROUGH REGULATIONS FOUND IN 49 17 1. 1, ET. SEQUENTIA, AND PARTICULARLY AT 49 CFR 173.124..

(I) HAZARDOUS MATERIAL MEANS EXPLOSIVE, PYROTECHNICS, COMPRESSED GAS, FLAMMABLE LIQUID, FLAMMABLE SOLID, COMBUSTIBLE LIQUID, OXIDIZING MATERIAL, POISONOUS GAS, POISONOUS LIQUID, POISONOUS SOLID, IRRITATING MATERIAL, ETIOLOGICAL MATERIAL, RADIOACTIVE MATERIAL, CORROSIVE MATERIAL OR LIQUEFIED PETROLEUM GAS AND ALSO INCLUDING, BUT NOT LIMITED TO, ANY OF THE FOLLOWING:

1. ANY MATERIAL LISTED IN THE LIST OF TOXIC POLLUTANTS FOUND IN 40 CFR 401.15, AS AMENDED, OR IN ANY OTHER FEDERAL LAW OR REGULATION;

2. ANY MATERIAL REGULATED AS AN HAZARDOUS MATERIAL BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION THROUGH REGULATIONS FOUND IN 49 CFR 17 1. 1, ET. SEQUENTIA.

3. ANY MATERIAL DESIGNATED AS HAZARDOUS MATERIAL BY STATE OR FEDERAL LAW OR REGULATION, OR CITY ORDINANCE; OR,

4. ANY OTHERWISE NON-HAZARDOUS MATERIAL RELEASED IS A HAZARDOUS MATERIAL FOR PURPOSES OF TI-HS ORDINANCE IF ITS PRESENCE CAUSES A POTENTIAL HAZARD TO VEHICULAR OR PEDESTRIAN TRAFFIC.

(J) OWNER MEANS ANY PERSON HAVING A VESTED OR CONTINGENT INTEREST IN THE PREMISES, REAL PROPERTY, PERSONAL PROPERTY, CONTAINER OR VEHICLE INVOLVED IN THE HAZARDOUS MATERIALS INCIDENT, INCLUDING BUT NOT LIMITED TO ANY DULY AUTHORIZED AGENT OR ATTORNEY, PURCHASER, DEVISEE OR FIDUCIARY OF SAID PERSON HAVING SAID VESTED OR CONTINGENT INTEREST.

(K) OXIDIZING MATERIAL SHALL MEAN ANY MATERIAL REGULATED AS AN OXIDIZING MATERIAL BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION THROUGH REGULATIONS FOUND IN 49 CFR 171. 1, ET. SEQUENTIA, AND

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PARTICULARLY AT 49 CFR 173.127.

(L) PERSON SHALL MEAN INDIVIDUALS, FIRMS, JOINT VENTURES, PARTNERSHIPS, CORPORATIONS, CLUBS AND ALL ASSOCIATIONS OR ORGANIZATIONS OF NATURAL PERSONS, EITHER INCORPORATED OR UNINCORPORATED, HOWSOEVER OPERATING OR NAMED, AND WHETHER ACTING BY THEMSELVES OR BY A SERVANT, CONTRACTOR, EMPLOYEE, AGENT OR FIDUCIARY, AND INCLUDES ALL LEGAL REPRESENTATIVES, HEIRS, SUCCESSORS AND ASSIGNEES THEREOF.

(M) POISON SHALL MEAN ANY LIQUID OR GAS THAT IS LIFE THREATENING WHEN MIXED WITH AIR IN SMALL AMOUNTS, AND SHALL ALSO INCLUDE ALL THOSE MATERIALS REGULATED AS POISON CLASS A BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION THROUGH REGULATIONS FOUNDING 49 CFR 171.1 ET. SEQUENTIA, AND PARTICULARLY AT 49 CFR 173.115 AND 49 CFR 173.132.

(N) PREMISES MEANS ANY LOT OR PARCEL OF LAND, EXCLUSIVE OF BUILDING, AND INCLUDES A PARKING LOT, TOURIST CAMP, TRAILER CAMP, AIRPORT, STOCKYARD, JUNKYARD, WHARF, PIER, PUBLIC ROADWAY AND ANY OTHER PLACE OR ENCLOSURE, HOWEVER OWNED, USED OR OCCUPIED.

(O) RADIOACTIVE MATERIAL SHALL MEAN ANY MATERIAL REQUIRED BY THE UNITED STATES DEPARTMENT OF TRANSPORTATION TO HAVE TYPE A PACKAGING OR OTHER SPECIAL PROTECTION OR CLOSED TRANSPORT VEHICLES, UNDER REGULATIONS FOUND IN 49 CFR 171.01, ET SEQUENTIA, AND PARTICULARLY AT 49 CFR 173.403.

(P) RELEASE SHALL MEAN ANY SPILLING, LEAKING, PUMPING, POURING, EMITTING, EMPTYING, DISCHARGING, INJECTING, ESCAPING, LEACHING, DUMPING, OR DISPOSING WHICH CAUSES DAMAGE OR HARM TO PERSON(S), PROPERTY, NATURAL RESOURCES, THE PUBLIC HEALTH OR ENVIRONMENT.

(Q) THREATENED RELEASE SHALL MEAN ANY IMMINENT OR PENDING EVENT POTENTIALLY CAUSING BUT NOT RESULTING IN A RELEASE WHICH CAUSES THE CITY TO UNDERTAKE EMERGENCY RESPONSE.

(R) VEHICLE SHALL MEAN ANY MODE WHICH IS USED AS AN INSTRUMENT OF CONVEYANCE, INCLUDING BUT NOT LIMITED TO MOTOR VEHICLES, RAILROADS, BOATS, AIRCRAFT, ETC.

SECTION 1612.03 LIABILITY FOR COSTS.

ANY PERSON CAUSING OR CONTRIBUTING TO THE CAUSING OF A RELEASE OR THREATENED RELEASE SHALL BE LIABLE TO THE CITY FOR EXPENSES OF EMERGENCY RESPONSE. THE FOLLOWING PERSONS SHALL BE JOINTLY AND SEVERALLY LIABLE TO THE CITY FOR THE PAYMENT OF ALL COSTS AND EXPENSES INCURRED BY THE CITY AS A RESULT OF EMERGENCY RESPONSE, CLEAN-UP OR ABATEMENT OF ACTIVITY:

(A) ANY PERSON WHOSE NEGLIGENT OR WILLFUL ACT OR OMISSION PROXIMATELY CAUSES SUCH RELEASE OR THREATENED RELEASE;

(B) THE OWNER, OPERATOR, OCCUPANT OR OTHER PERSON RESPONSIBLE FOR THE OPERATION, MAINTENANCE AND/OR CONDITION OF ANY BUILDING, PREMISES, PROPERTY OR VEHICLE;

(C) THE PERSON WHO OWNED OR HAD CUSTODY OR CONTROL OF THE HAZARDOUS MATERIAL OR THE MATERIAL AT THE TIME OF SUCH RELEASE OR THREATENED RELEASE WITHOUT REGARD TO FAULT OR PROXIMATE CAUSE; AND,

(D) THE PERSON WHO OWNED OR HAD CUSTODY OR CONTROL OF THE CONTAINER WHICH HELD HAZARDOUS MATERIAL AT THE TIME OF OR IMMEDIATELY PRIOR TO SUCH RELEASE OR THREATENED RELEASE WITHOUT REGARD TO FAULT OR PROXIMATE CAUSE.

SECTION 1612.04 RECOVERY OF COSTS.

(A) THE EXPENSE OF AN EMERGENCY RESPONSE SHALL BE A CHARGE AGAINST THE PERSON(S) LIABLE FOR THE EXPENSES UNDER TI-HS CHAPTER. THE CHARGE CONSTITUTES A DEBT OF THE PERSON(S) AND IS COLLECTIBLE BY THE CITY IN THE SAME MANNER AS AN OBLIGATION UNDER CONTRACT, EXPRESS OR IMPLIED.

(B) CITY PERSONNEL INVOLVED IN AN EMERGENCY RESPONSE SHALL KEEP AN ITEMIZED RECORD OF RECOVERABLE COSTS RESULTING FROM A RELEASE OR THREATENED RELEASE INCLUDING AN EMERGENCY ACTION/RESPONSE. PROMPTLY AFTER COMPLETION OF ANY EMERGENCY RESPONSE, THE APPROPRIATE CITY DEPARTMENT SHALL CERTIFY THOSE EXPENSES TO THE CITY'S MAYOR.

(C) COSTS OF THE CITY SHALL NOT INCLUDE COSTS OF ACTUAL FIRE SUPPRESSION SERVICES WHICH ARE NORMAL OR USUALLY PROVIDED BY THE FIRE DEPARTMENT IN SITUATIONS NOT INVOLVING HAZARDOUS MATERIALS.

(D) THE CITY MAY, WITHIN TEN (10) DAYS OF RECEIVING ITEMIZED COSTS, OR ANY PART THEREOF INCURRED FOR AN EMERGENCY RESPONSE, SUBMIT A BELL FOR THOSE COSTS BY FIRST CLASS MAIL OR PERSONAL SERVICE TO THE PERSON(S) LIABLE FOR THE EXPENSES AS ENUMERATED UNDER TI-HS CHAPTER. THE BILL(S) SHALL REQUIRE FULL PAYMENT WITHIN THIRTY 30) DAYS FROM THE DATE OF MAILING OR SERVICE OF SAID BILL UPON THE RESPONSIBLE PERSON.

(E) ANY FAILURE BY THE PERSON DESCRIBED IN TI-HS CHAPTER AS LIABLE OR RESPONSIBLE FOR EXPENSES OF AN EMERGENCY RESPONSE TO PAY SAID BILL WITHIN THIRTY (30) DAYS OF MAILING OR SERVICE OF THE BILL SHALL CONSTITUTE A

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DEFAULT ON SAID BELL. THE CITY SHALL HAVE THE RIGHT TO BRING OR COMMENCE AN ACTION IN A COURT OF COMPETENT JURISDICTION TO COLLECT SAID COSTS IF THE CITY DEEMS SUCH ACTION TO BE NECESSARY.

(F) THE CITY COUNCIL MAY, BY RESOLUTION, ADOPT A SCHEDULE OF THE COSTS INCLUDED WITHIN THE EXPENSE OF AN EMERGENCY RESPONSE. TI-HS SCHEDULE SHALL BE AVAILABLE AT THE OFFICE OF THE CITY CLERK FOR INSPECTION BY THE PUBLIC DURING REGULAR BUSINESS HOURS.

SECTION 1612.05 CONFLICT WITH STATE OR FEDERAL LAW

NOTHING IN TI-HS CHAPTER SHALL BE CONSTRUCTED TO CONFLICT WITH STATE OR FEDERAL LAWS REQUIRING PERSONS RESPONSIBLE FOR OR CAUSING A RELEASE OR THREATENED RELEASE FROM ENGAGING IN REMEDIATION ACTIVITIES OR PAYING THE COST THEREOF, OR BOTH.

SECTION 1612.06 NONEXCLUSIVE REMEDY.

THE REMEDIES PROVIDED BY THIS CHAPTER SHALL BE IN ADDITION TO ANY OTHER REMEDIES AVAILABLE IN EQUITY OR AT LAW AND SUCH PENALTIES AS PROVIDED BY LAW OR ORDINANCE.

SECTION 1612.07 SEVERABILITY.

IF ANY SECTION, SUBSECTION, CLAUSE, PARAGRAPH OR PROVISION OF THIS CHAPTER IS ADJUDGED INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH ADJUDICATION SHALL ONLY APPLY TO THE SAID PORTION THEREOF ADJUDICATED INVALID, AND THE FULL RE G PORTIONS OR PARTS OF THIS CHAPTER SHALL REMAIN IN FULL FORCE AND EFFECT.

SECTION 1612.08 SAVINGS CLAUSE.

ALL PROCEEDINGS PENDING AND ALL RIGHTS AND LIABILITIES EXISTING, ACQUIRED OR INCURRED AT THE TIME THIS CHAPTER TAKES EFFECT ARE HEREBY SAVED, AND SUCH PROCEEDINGS MAY BE CONSUMMATED UNDER AND ACCORDING TO THIS CHAPTER IN FORCE AT THE TIME SUCH PROCEEDINGS ARE OR WERE COMMENCED. THIS CHAPTER SHALL NOT BE CONSTRUED TO ALTER, AFFECT OR ABATE ANY PENDING PROSECUTION OR PROCEEDING OR PREVENT PROSECUTION OR PROCEEDING HEREAFTER INSTITUTED UNDER ANY ORDINANCE SPECIFICALLY OR IMPLIED REPEALED BY THIS CHAPTER AND ANY CHANGES THERETO FOR ANY LIABILITIES INCURRED OR OFFENSES COMMITTED BEFORE THE EFFECTIVE DATE OF THIS CHAPTER AND ALL PROCEEDINGS PENDING AT THE EFFECTIVE DATE OF THIS CHAPTER AND ALL PROCEEDINGS OR PROSECUTION INSTITUTED AFTER THE EFFECTIVE DATE OF THIS CHAPTER FOR ANY LIABILITIES INCURRED OR OFFENSES COMMITTED BEFORE THE EFFECTIVE DATE OF THIS CHAPTER MAY BE CONTINUED OR INSTITUTED UNDER AND IN ACCORDANCE WITH THE PROVISIONS OF ANY ORDINANCE IN FORCE AT THE TAM OF THE LIABILITY INCURRED OR COMMISSION OF SUCH OFFENSE.

SECTION 1612.09 EFFECTIVE DATE.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PUBLICATION AFTER FINAL ADOPTION.

SECTION 2. ALL ORDINANCES, RESOLUTIONS OR RULES, PARTS OF ORDINANCES, RESOLUTIONS OR RULES INCONSISTENT WITH THE PROVISIONS HEREOF ARE HEREBY REPEALED.

SECTION 3. SHOULD ANY SECTION, CLAUSE OR PHRASE OF THIS ORDINANCE BE DECLARED TO BE INVALID, THE SAME SHALL NOT AFFECT THE VALIDITY OF THE ORDINANCE AS A WHOLE, OR ANY PART THEREOF OTHER THAN THE PART SO DECLARED TO BE INVALID.

SECTION 4. THIS ORDINANCE SHALL TAKE EFFECT ON THE 30TH DAY AFTER ENACTMENT UNLESS GIVEN IMMEDIATE EFFECT BY CITY COUNCIL.

Given Immediate Effect by Motion of Councilmember Allen

Marilynn Slade, City Clerk

MOTION OF EXCUSED ABSENCE

By Councilmember Benavides

To excuse Councilmembers Novak and Bauer from tonight's proceedings

ADOPTED BY THE FOLLOWING VOTE:

YEAS: 5

NAYS: 1 (Councilmember Beal dissenting)

CONSIDERATION OF LATE ITEMS

1. From Councilmember Beal; a Resolution approving transfer of funds

HANDLED AS RESOLUTION #602

2. From Councilmember Beal; a resolution of appointment of Fred Tafel to the Capital Area Rail Council

HANDLED AS RESOLUTION #606

3. From Councilmember Benavides: a resolution

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APPROVING THE DISTRIBUTION OF UNCLAIMED BICYCLES TO THE NORTH LANSING NEIGHBORHOOD ASSOCIATION

HANDLED AS RESOLUTION #603

4. FROM COUNCILMEMBER BENAVIDES; A RESOLUTION APPROVING THE DISTRIBUTION OF UNCLAIMED BICYCLES TO THE WONEN'S ASSOCIATED WITH PRISONERS ASSOCIATION

HANDLED AS RESOLUTION #604

5. FROM COUNCILMEMBER ALLEN; A LETTER FROM ALFREDA SCHMIDT REGARDING THE PILOT PROGRAM FOR TRASH CARTS THAT WILL BE OPERATED IN THE FIRST WARD

RECEIVED AND PLACED ON FILE

6. FROM COUNCILMEMBER ALLEN; A RESOLUTION APPROVING THE APPOINTMENT OF DONALD HECK TO THE BUILDING BOARD OF APPEALS, AND A MOTION THAT THE COMMITTEE ON PUBLIC SAFETY BE DISCHARGED ON THIS MATTER

HANDLED AS RESOLUTION #605

7. FROM COUNCILMEMBER BENAVIDES; A RESOLUTION APPROVING TRANSFER OF CLASS C LIQUOR LICENSE FOR FRATA, INC.

HANDLED AS RESOLUTION #607

8. FROM COUNCILMEMBER ALLEN; A LETTER FROM UNITED PAPER WORKERS INTERNATIONAL UNION REGARDING THE NEED FOR A FENCE AROUND THE EMPLOYEE PARKING LOT AT THE WOHLERT CORPORATION

REFERRED TO THE COMMITTEE ON DEVELOPMENT & PLANNING

PUBLIC COMMENTS

LLOYD TEETS OF 116 E. ELM ST. THANKED COUNCILMEMBER LILLY FOR PULLING THE RESOLUTION APPROVING A CHANGE TO COUNCIL RULES #16 AND #19.

ROBERT OVALLA OF 110 E. POINT LN. IN E. LANSING THANKED COUNCILMEMBER LILLY FOR PULLING THE RESOLUTION AMENDING COUNCIL RULES. THIS RESOLUTION WOULD HAVE DISCOURAGED CITIZEN INPUT. HE URGED PEOPLE OF HISPANIC HERITAGE TO ATTEND CITY COUNCIL MEETINGS AND PROTEST THE DISCRIMINATION THAT HAS BEEN SHOWN TO THEM FOR A LONG TIME.

JACKIE WOODCOX OF 3629 LOCHMOOR SAID THAT THE MARCH FOR JUSTICE SUPPORTERS NEED UNITY IN ORDER TO MEET THEIR GOALS. COUNCIL NEEDS TO LISTEN TO WHAT THE COMMUNITY HAS TO SAY AND RESPOND IN A RESPONSIBLE AND CARING MANNER.

VIRGINIA BOZEK OF 4119 CLARENDON SAID THAT THE FOIA SHE FILED REGARDING THE POLICE DEPARTMENT IS INTENDED TO BRING JUSTICE TO ALL OF THE CITIZENS OF THE CITY. SHE DOES NOT UNDERSTAND HOW IT CAN BE SAID TO ENDANGER THE SAFETY OF POLICE OFFICERS TO RELEASE THE INFORMATION SHE HAS REQUESTED ABOUT NON-LETHAL WEAPONRY. THE POLICE DEPARTMENT SHOULD BE MORE OPEN WITH INFORMATION REGARDING THEIR PROCEDURES.

ED SIMMER OF 2609 DRYER THANKED THE PEOPLE OF THE COMMUNITY WHO HAVE GONE OUT TO HELP THE UNDER-PRIVLEDGED DURING THIS HOLIDAY SEASON.

LESTER D. STONE OF 1603 W. KALAMAZOO, PASTOR OF FRIENDSHIP BAPTIST CHURCH, GAVE THANKS TO THE DEITY FOR ENABLING THE EXCHANGE BETWEEN THE MARCH FOR JUSTICE, MAYOR HOLLISTER AND CITY COUNCIL.

ALBERTA JORDAN, NO ADDRESS GIVEN, DISPLAYED A SUITCASE FULL OF PAPERWORK ON HER SON'S TRIAL FOR ARMED ROBBERY. SHE SAID THAT THE WHITE MAN'S LAW IS THE MINORITY MAN'S AGONY. HER SON'S COMPLAINT NUMBER IS 18-95-031, FILED ON 3-28-95.

MICHAEL J. SIMON OF 310 SEYMOUR SAID THAT HE PRAYS EVERYDAY FOR PEACE ON EARTH.

HELEN FISER OF 12100 W. CORK IN MORRICE SAID THAT IT IS HER GOAL FOR 1997 TO BRING ABOUT CHANGE TO EVERY DEPARTMENT IN CITY HALL TO ALLOW PEOPLE GREATER ACCESS TO INFORMATION.

COUNCILMEMBERS COMMENTS

COUNCILMEMBER BEAL COMMENDED PRESIDENT JONES FOR GETTING COUNCIL THROUGH THIS VERY DIFFICULT YEAR. SHE WISHED A JOYOUS HOLIDAY SEASON TO EVERYONE. SHE ANNOUNCED THAT THE CITY MARKET WILL BE OPEN FROM 8:00 A.M. TO 3:00 P.M. ON CHRISTMAS EVE.

COUNCILMEMBER LILLY THANKED LLOYD TEETS FOR HIS INPUT ON COUNCIL RULE #19 AND REPEATED HIS STATEMENT THAT THE TIME TO MAKE CHANGES TO RULES IS AT THE BEGINNING OF THE YEAR. HE COMMENDED THE HUMAN SERVICES NEEDS ASSESSMENT REPORT THAT EACH COUNCILMEMBER RECEIVED IN AUGUST. THIS IS A VERY WORTHWHILE REPORT, AND EVERY COUNCILMEMBER SHOULD READ IT. IT IDENTIFIES CHILD CARE SERVICES AND YOUTH PROGRAMS AS THE NUMBER ONE NEED THROUGHOUT THE CITY. HE COMMENDED THE ADMINISTRATION FOR THE PROFESSIONALISM SHOWN THROUGHOUT THE REPORT AND ASKED MAYOR HOLLISTER TO PASS ALONG HIS COMPLIMENTS. HE THANKED PRESIDENT JONES FOR THE LEADERSHIP HE HAS EXHIBITED IN THE PAST YEAR, AND MEMBERS BAUER AND LEEMAN FOR THE CHANGES THEY HAVE GONE THROUGH.

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Councilmember Benavides said that the Holiday Season gives him a opportunity to show his gratitude and to say thank you to people and wish them Merry Christmas and Happy New Year. He thanked President Jones, who has done a good job, City Employees who work all year long to serve the members of the community, especially those in Police, Fire and Public Service positions that require them to work flexible and long hours. He wished peace, love and a blessed New Year to all.

Councilmember Allen thanked President Jones for having such a big heart and being such a nice and caring person. It has been her pleasure to work with him. She thanked the members of the audience for their support and wished a Merry Christmas and . prosperous New Year to everyone. She presented Mayor Hollister with a commemorative Tee-shirt from the Peace Keepers Ceremony at Gardner Middle School. She lauded this program, calling it one of the best programs in the Lansing School District today. This program utilizes student peer groups to teach other students conflict resolution skills. It has been so successful that it has been expanded into the other Middle Schools. She would like to have the participants as guests at a Council meeting next year.

Councilmember Leeman thanked Bob Fould of Landscape Architects and Planners for putting up Christmas lights at Turner Park. He thanked the Northtown Community and the Community Policing Officers for the nice Christmas Party for over 100 kids and parents. He thanked President Jones for serving as President last year, and wished happy holidays to all.

President Jones thanked his colleagues for their comments and said that he appreciates the fact that many of the citizens in the City have come down and expressed their view to the Council. He thanked the residents who view the Council Meetings via Channel 28. He commended his colleagues for operating one of the most open bodies the City has ever had, who tackled tough issues out in the open, not behind closed doors. They televised more meetings than in the history of City Council. He announced that the Ice Skating Rink at Oldsmobile Park is temporarily under water, but will hopefully be frozen by next week. He urged everyone to go see the dome at Washington Park and thanked City Clerk Marilynn Slade for facilitating this year's Council meetings.

MAYOR'S EXECUTIVE ASSISTANT'S RESPONSE TO COMMENTS

Mr. Wiener urged everyone to take advantage of the Neighborhood Grant Applications available in all of the Community Centers and at City Hall. He extended his thanks and appreciation to President Jones for the leadership he has provided to everyone this year. It is a difficult job and he has carried it off with diplomacy and wisdom. He sent his thanks also to Councilmembers who have tackled a lot of tough jobs in the past year. They may not have solved all of them, but they are working through them. He thanked the City Employees who make the City work and the public who have participated in the process. We live in a complex society with many needs, and problems that do not have easy solutions. Debate is a healthy and reasonable process of finding a solution. He wished a blessed holiday season and a healthy happy new year to everyone.

Bob Johnson, Business Ombudsman for Mayor Hollister, urged participation in this year's Fest Eve celebration. This is an alcohol free New Years Celebration that will begin at 4:00 P.M. at Impression 5 Museum, and will continue throughout the evening with various musical performances beginning at 8:00 throughout Lansing and East Lansing. The cost of pins for participation in the event is just $7.00 and are available at the Lansing Mall, the Meridian Mall, Michigania in downtown Lansing, Kroger Stores, MSU Credit Union and the State of Michigan Credit Union.

ADJOURNED 9:40 P.M.

MARILYNN SLADE, CITY CLERK

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